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ABSTRACT

This manual provides information on identification and recruitment of migrant students for practitioners at all levels, and can function as both a training document and a reference tool. The identification and recruitment process consists of three interrelated elements: (1) definitions governing migrant program eligibility; (2) the process recruiters use to translate those definitions into accurate and well recorded eligibility determinations; and (3) procedures to oversee the quality of recruiters' decisions. The manual's eligibility section contains definitions; instructions for completing the certificate of eligibility; illustrative case studies; indicators of possible nonqualifying conditions; assistance with difficult decisions; and lists of qualifying seasonal and temporary work in livestock, poultry, and dairy farming. The identification and recruitment section outlines the Texas statewide effort, strategies for effective recruitment, personal characteristics of the effective recruiter, recruiter duties and responsibilities, details of the recruitment interview, characteristics of a good supervisor, and identification and recruitment competencies. The quality control section discusses required components of the personnel training program; functions and interagency relationships of the Migrant Student Record Transfer System; quality control in project districts, cooperatives, and education service centers; district and state monitoring of school district compliance with state and federal regulations; corrective actions; and auditable files. Appendices contain regulations and nonregulatory guidance, questionnaires and forms, charts of eligibility conditions and qualifying activities, alternate spellings of Hispanic names, and a glossary. (SV)

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Identification And Recruitment Of Migrant Students

RC 018886

Texas Education Agency

Austin, Texas

July 1991

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The Texas Manual For The Identification And Recruitment Of Migrant Students

A Manual For Practitioners
In The Migrant Education Program
Produced Under An Agreement
Between
The U.S. Department Of Education
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FOREWORD

In 1966, the Migrant Education Program was established as part of the Elementary and Secondary Education Act (ESEA) of 1965. The vision of this legislation was to provide for the special educational needs of one of the nation's neediest special populations—migrant children. As part of the commitment by Texas to make this vision a reality, the Texas Education Agency has developed this manual to assist Texas school districts and service centers in planning and implementing quality training programs for migrant personnel in the areas of the history and purpose of the program, identification and recruitment, the Migrant Student Record Transfer System, program services, and interstate linkages.

Texas has the second largest migrant population of any state in the United States. There are larger concentrations of migrant children in some areas of the state than in others. In order to serve these children with quality education programs which will keep them in school, improve their academic achievement, and increase their graduation rates, they must first be identified and recruited. Texas is committed to these possibilities. The state recognizes the importance of a thorough search for migratory children. The Agency's philosophy is that all migrant children possible will be identified and recruited and then served with quality education programs.

Annually, all school districts are challenged to identify and recruit all migratory children. Schools are charged with being responsive to the educational needs of all children and must particularly address the educational needs of at-risk populations.

In order for our migrant program to be in compliance with federal regulations and state policies, educators and recruiters of migrant children must become acquainted with the required elements in this manual. Total familiarity with the contents and constant attention to the implementation of all regulations will help Texas to identify, recruit, and serve migrant children and to avoid audit exceptions.

INTRODUCTION

The Texas Education Agency (Agency) is responsible for the identification and recruitment of all eligible migratory children in the State. Identification and recruitment means determining the presence and location of migratory children and securing necessary information about these children (usually, but not necessarily, through an interview with the child's parent or guardian), documenting the basis for the child's eligibility, and enrolling the eligible child in the Migrant Student Record Transfer System (MSRTS).

The Agency's Migrant Education Program (MEP) funding and that of the school districts is dependent, in part, upon both its own count of the full-time equivalent number of eligible migratory children residing within its boundaries and similar counts in other states. The State's annual count of migratory children must be as accurate as possible. The Agency's careful identification and recruitment of the State's eligible migratory children is also pivotal to the proper implementation of other statutory responsibilities it assumes as a condition of its receipt of program funding. These statutory responsibilities include the following: determining areas of the State to be served; overseeing the State's school districts' annual needs assessments; including those migratory children who will be served because of their relative educational need; designing and evaluating its program; and determining the types of services that are most responsive to the special educational needs of the State's migratory children.

Program regulations dictate that the Agency and school districts are "responsible for implementing procedures that ensure the correctness of the information on which (they) rely" in determining the eligibility of a migratory child. The Agency can meet this responsibility by (1) undertaking reasonable steps to implement a formal process to ensure the accuracy of written eligibility information, (2) adequately training and guiding recruiters in practical ways to implement the MEP's eligibility rules, and (3) modifying recruiter training and guidance where necessary.

The identification and recruitment process consists of three elements that are inextricably linked. These elements are (1) the definitions governing migrant program eligibility, (2) the process recruiters use to translate those definitions into reasonably accurate and well-recorded eligibility determinations, and (3) the process the Agency plans and implements to ensure the quality of recruiters' decisions. Viewed in this light, identification and recruitment is itself a process that the Agency must oversee. The reasonable accuracy of each eligibility decision is important. When the process of quality identification and recruitment is satisfactorily articulated and addressed, the Agency's responsibilities in this regard can be measured against the ways it has implemented, monitored, and improved this process.

This manual provides useful information on identification and recruitment for practitioners at all levels. It is a training document and a reference tool. While all sections contain important information, those on eligibility, identification and recruitment, and quality control contain critical elements of **required** processes. These sections are to be emphasized during training.

Education service center migrant staff, administrators in school districts, and other practitioners who train recruiters, MSRTS clerks, data entry specialists, and others involved in identification and recruitment will find this manual helpful in planning their training. Careful attention is required for those sections which are mandated as opposed to recommended. **Words such as "must" and "shall" will serve as red flags to signal required training activities.**

Trainers are encouraged to use a variety of techniques and strategies to impart the information to veterans and to new staff. Some of these are peer tutoring, role playing, direct teach, guided practice, visual displays, dramatization, and group participation. Each trainer will use his/her creativity and knowledge when using these and others.

Maximum benefit can be derived from the use of this manual when it is supplemented by:

- *Implementation Guidelines for School District Required Migrant Student Record Transfer System (MSRTS) Component Activities* (Guidelines)

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ELIGIBILITY

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ELIGIBILITY

DEFINITIONS

In an analysis of the eligibility criteria, it is helpful to proceed from the realization that there are two categories of eligible migratory children: those defined as currently migratory and those defined as formerly migratory. Every eligible child can be in only one category at a given time.

The definition for a currently migratory child contains five basic elements:

WHO	A child, and a parent or guardian, who is a migratory agricultural worker or a migratory fisher;
WHAT	has moved;
WHERE	from one school district to another or in a State that is comprised of a single school district, has moved from one school administrative area to another.
WHEN	within the past 12 months;
WHY	to enable one of those specified above or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity.

A child who does not now qualify as a currently migratory, but who did so in the past six years, and has the concurrence of a parent/guardian to continue to be considered a migratory child, can qualify as a formerly migratory child. Therefore, the eligibility of a formerly migratory child would also depend upon his/her meeting the five basic elements.

Within these basic elements are many key terms which need to be defined. Definitions are taken from Federal regulations published as 34 CFR, Part 201, April 30, 1985, amended October 23, 1989. (See Appendix)

WHO

The first element of eligibility contains the terms *child, parent, guardian, migratory agricultural worker,* and *migratory fisher.*

Child is defined at 34 CFR 201.3 in the following ways: ***Children*** *means . . .*(1) *Persons up through age 21 who are entitled to a free public education through grade 12; Preschool children . . .* Preschool is further defined as ***Preschool children*** *means children who are—*(1) *Below the age and grade level at which the agency provides free public education; and* (2) *Of the age or grade level at which they can benefit from an organized educational program provided in a school or educational setting.*

Parent means natural parent, step-parent, or parent through adoption.

Guardian *means a person who—*(1) *has been appointed to be the legal guardian of a child through formal proceedings in accordance with state law;* (2) *an SEA determines would be appointed to be the legal guardian of a child under the law of the child's domiciliary state if formal guardianship proceedings were undertaken;* or (3) *is standing in the place of a parent to a child.*

Note that a person's spouse cannot be that person's guardian; therefore, an ineligible child who marries a migratory agricultural worker or migratory fisher does not gain eligibility because of moves made with a spouse. Conversely, an eligible child does not lose eligibility because of marriage.

Migratory agricultural worker *means a person who has moved within the past 12 months from one school district to another—or, in a state that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in an agricultural activity, including dairy work.*

Migratory fisher *means a person who has moved within the past 12 months from one school district to another—or, in a state that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in a fishing activity.*

The terminology in these two definitions is the same as that in the definition of *currently migratory child,* which is the primary focus of this discussion.

WHAT/WHERE

The second element of eligibility is the move, and the third is where that move took place: *from one school district to another.* For Migrant Education purposes, *move* means to enter another school district or move from one location to another across school district lines. The regulations on the matter are silent with regard to length of stay or distance traveled.

A qualifying move is not established when the travel is *only* for the purpose of visiting, vacationing, arranging personal business matters, or caring for ill family or friends. Daily commuting does not constitute a qualifying move.

A move to enter another school district may take place in one state, across state lines, or may be into the United States or its territories or possessions.

WHEN

The next element of eligibility is when the move took place. The importance of two dates and the means to establish correct and reasonably accurate data can not be overstated. Dates entered on

a Certificate of Eligibility (COE) must be as correct as possible because each date becomes data that affects a child's eligibility in an important way.

The first date which must be established is the date of the student's arrival in the school district. This date is often referred to as the residency date. ***Residency*** is not an element of migrant eligibility. Date of arrival in the district is the same as residency date for eligibility purposes and is entered at item 3 on the COE. This date starts the Full Time Equivalency (FTE) for each migrant child. The second important date is the last qualifying arrival date (QAD) shown for the parent/worker or for the student/worker on the COE. This is the date of the last migration to enable a worker to obtain qualifying employment. This date is entered on the COE at item 25. The QAD date establishes the day from which the period of eligibility, current or formerly migrant, begins to be counted.

When the child's last qualifying arrival date occurred within the 12 months preceding the interview date, the child will be considered currently migratory. When the parent moves first and is later joined by the child, the date of the child's move establishes the QAD. When the child moves first and the parent moves later, the date of the parent's move establishes the QAD. In other words a child whose move precedes a qualifying move by parents/guardians becomes eligible on the date of the parent's/guardian's move. On the COE, the child's actual date of arrival is entered. However, the computer will not accept a residency date before a QAD. Therefore, for the computer the residency date entered is the same as the QAD. **A note concerning this fact should be made by the recruiter on the COE.** In order to qualify on a move *to join*, a child must join the parent within 12 months.

In subsequent moves with or to join a parent/guardian, the above continues to apply. A child establishes his/her own QAD and residency date when he/she has been eligible to be counted as a migrant and continues to migrate annually without the parent/guardian to enable him/her to obtain temporary/seasonal employment in an agricultural or fishing activity. Each move without the parent/guardian must be made within 365 days of the last qualifying arrival date in order for the child to retain the status of currently migratory.

WHY

The last element of the basic eligibility criteria is why the move took place. In this element, the key terms are *to enable. . . .to obtain, member of the child s immediate family, temporary, seasonal, agricultural activity,* and *fishing activity.*

To enable. . .to obtain refers to a move made to obtain seasonal or temporary employment, regardless of whether the employment is actually secured. If the worker was unable to secure such employment (i.e., secured no employment or had to secure other employment), he or she may still be judged to have made a qualifying move, all other factors being met, on the determination that the move was to secure temporary or seasonal agricultural or fishing employment.

Where the worker is engaged in qualifying work, asking why the move took place is not necessary.

Member of a child's immediate family—a relative, such as the child's brother, sister, or grandparent.

Temporary can be understood as compared to permanent. An employment may qualify if it is temporary, never if it is permanent.

Permanent employment can be defined as employment that is for an indefinite period of time. Employment by the same employer from year to year that is interrupted with periods of layoff where the employment is actually terminated or when layoff without pay occurs is not considered permanent.

The determination of whether an occupational activity is temporary does not necessarily depend on any specific period of time but only implies that the operating agency has reasonably determined that the occupation is not a constant year-round activity. In many cases, temporary employment usually lasts for no longer than 12 months. **In a few unusual cases, temporary employment may last longer than 12 months.**

Examples of ***temporary*** activities include preparing or clearing the land, harvesting an area of trees, or meeting the ***temporary*** employment needs of a food processor or such other agricultural industries as dairy and livestock which tend to have peak employment periods. For instance, some dairies may need more workers in the winter for feeding or tending the cattle than at other times of the year when it is possible to put them out to pasture. Cattle operations in some areas traditionally market their beef in the fall, creating a high demand for employees to process the beef. Later in the year (Thanksgiving and Christmas), there is a slack period when the demand for beef is lower.

A ***seasonal*** activity is an activity generated by climatic conditions; by crop cycles, such as planting, cultivating, pruning, thinning, weeding, fertilizing, irrigating, harvesting, and food processing; or by marine life cycles in the case of commercial fishing and shellfish production.

Agricultural activity *means—(1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence; (2) Any activity directly related to the cultivation or harvesting of trees; or (3) Any activity directly related to fish farms.*

Fishing activity *means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence. Note that fish farms are considered agricultural concerns, as opposed to fishing activities.*

Within the regulatory definitions for agricultural activity and fishing activity there are three terms which need some discussion. These are ***directly related, initial commercial sale,*** and ***personal subsistence.***

Directly related means those activities within production and processing, such as those delineated above as temporary and seasonal activities. In addition, a direct relationship exists when the activity is one that is needed, whether at the same site or another, if production or processing is to be performed. Slight changes in circumstances could alter determinations of eligibility for services; therefore, care must be taken to record the basis for arriving at decisions in situations which may be questioned.

Tree cultivation and *harvesting* are special categories of agricultural activities that do not include processing. Activities involved directly in tree cultivation or harvesting (e.g., soil preparation, planting, tending, pruning, marking, felling, and so forth) are qualifying activities. Once the trees are ready to be transported from a harvesting site to a processor, if the employer is the same, the transportation of logs can also be a qualifying activity. However, if the employer who transports the logs is not the same as the harvester, there is no longer a direct enough involvement in cultivation or harvesting for the activity to qualify the worker as agricultural. In this case, the transportation of logs marks the beginning of the stage of processing and employment in which transportation does not qualify the worker as agricultural.

Initial commercial sale—With regard to production, this means the first sale of the agricultural or fishing product. With regard to processing of products other than trees, as explained above, the initial commercial sale can occur at the conclusion of the processing activity(ies) when the product or fully processed product is sold.

Personal subsistence means that the agricultural items are produced or fish or shellfish are caught for direct consumption and incidental sale by the worker or his/her family—rather than produced or caught for wages.

The Definition for a Currently Migratory Child Contains Five Basic Elements.

The definition for a formerly migratory child has certain requirements.

The second category of eligibility is that of the "formerly migratory child." A child can be eligible under this definition for up to five additional years after his/her one-year current status ends. A child can be classified as formerly migratory even if he has never been identified as currently migratory, so long as qualifying conditions (five basic elements) did exist up to six years prior to identification and he/she has parental concurrence. When a formerly migratory child makes a qualifying move, he or she becomes currently migratory once again, as explained under "Definitions."

To meet the "concurrence" requirement in identifying and recruiting formerly migratory children eligible to be served in the Migrant Education Program (MEP), Federal regulations and the Agency require parent/guardian consent.

It is acceptable to identify and recruit a child as formerly migratory in the child's current state of residence based on a "qualifying move" occurring elsewhere. The state may accept eligibility determinations made by another state. The recruiter must reconfirm the eligibility criteria and keep documentation relative to the eligibility of the child. In such cases the parents should be advised of their appeal rights if eligibility is denied.

The Definition for a Formerly Migratory Child Contains Two Additional Elements.

THE CERTIFICATE OF ELIGIBILITY

The entire identification and recruitment effort revolves around the information that is obtained to establish a child's eligibility for the migrant program. In recent years, the document used to record the information has generally been called the Certificate of Eligibility (COE).

The COE is the legal document used by the state to enroll eligible migrant children into the Migrant Student Record Transfer System (MSRTS). The COE must be completed by a person who has received annual training prior to initiating recruitment. He/she must be knowledgeable about eligibility criteria for making eligibility determinations and about the services available to eligible students. Educational and support services (counseling, health, etc.) cannot be provided until the child has been determined eligible and the completed COE is properly distributed and filed by the fiscal agent. The importance of obtaining credible information on the COE is essential.

After obtaining eligibility information, the recruiter should always explain the following items to the parent/guardian before obtaining a signature on the COE:

- The MEP is a supplementary program that offers instructional assistance over and above the instruction being received from the minimum foundation teacher. The instructional component(s) in which the child may receive assistance in the district is (are) _____

  _____.

  Name the one(s) from the list below which the district provides:
  - academic instruction
  - remedial and compensatory instruction
  - bilingual and multicultural instruction
  - preschool services and/or summer school
  - educational services that are not available to eligible migratory children in adequate quantity or quality
  - instructional materials

  The support service(s) which the child may receive is (are) _____

  _____.

  Name the one(s) from the list below which the district provides:
  - special guidance, counseling, and testing services
  - health, nutritional, and social services

  Note: The school district must serve migrant children according to the following priorities:
  - ages 3-21 (PK-12) currently migratory children according to their needs
  - ages 3-21 (PK-12) formerly migratory children according to their needs

- The MSRTS is a national computer system that stores and transfers academic and health information on migrant students as they move from one school district to another.

- The COE is a legal document which satisfies the requirement to have a written record and in which the parent/guardian gives permission for the child to be in the MEP. The child's records

will be made available to the parent upon request. The "Family Educational Rights and Privacy Act" (FERPA) of 1974 protects the confidentiality of a child's records.

The COE should be completely screened twice before data are sent to the service center and are entered into the MSRTS. It must first be screened by the trained recruiter or another trained person at the site where it is completed. It should also be screened by the trained superintendent or the trained designee before data from it are sent in for processing. If there are any deficiencies, they must be corrected before the COE is accepted. Screening at the district and again at the service center should include all aspects of the COE:

- All blanks completed with legible entries in black ball point pen
- Spelling (including correct student name, not nickname)
- Correct codes
- Correct child identification (# and mnemonic)
- All dates double digit
- Birthdate entered (check that date is not more recent than QAD)
- Birthplace entered
- Birth verification checked
- QAD date matches status circled
- Migrant status circled
- Grade entered
- Places of move correct
- Acceptable eligibility statement
- Acceptable qualifying activity
- Agricultural or fishing work clear
- Parent/guardian listed and signature of parent/guardian match
- Signature of interviewer and date completed

Usually the information required on the COE is sufficient. In the case of a migrant family who moves a long distance to perform temporary or seasonal agricultural or fishing work, no additional information is usually necessary. In unusual circumstances, the recruiter must clarify the reason(s) for his/her eligibility determinations. (See "Determining Eligibility in Difficult Cases," "Indicators of Possible Non-Qualifying Conditions," and NRG.)

THE CERTIFICATE OF ELIGIBILITY IS A LEGAL DOCUMENT.

(1) School District

TEXAS EDUCATION AGENCY
Migrant Education Program
Certificate of Eligibility
School Year 19____-____

(2) Current Female Parent (last name first)

I. CHILD/SCHOOL DATA

(3) Residency Date (M/D/Y) | (4) Arrived from (City/State)

(5) School Information		(6) Child ID	(7) Children's Names			(8) Enrollment Date (M/D/Y)	(9) Grade	(10) Sex (M/F)	(11) Birthdate (M/D/Y)	(12) Verify B,D,P,O	(13) Birthplace City-State (Country if outside USA)	(14) Race 1,2,3,4,5
Campus ID	Campus Name	MSRTS Number/Mne	Last	First	Middle							

(15) Legal Male Parent (last name first) | (16) Legal Female Parent (last name first) | (17) Current Male Parent (if different from legal) | (18) Current Female Parent (if different from legal)

(19) Current Residence	City	State	Zip	Telephone (_____)
(20) Homebase Residence (if different from above)	City	State	Zip	Telephone (_____)

II. ELIGIBILITY DATA

Qualifying Arrival Date **(QAD)**: The children listed on this form are eligible because of the move across school district boundaries recorded on this form. The purpose of this move was to seek and/or obtain temporary or seasonal work in agricultural or fishing-related activities. **(Eligible children whose QAD data differ in any of these elements must be enrolled on a separate COE form.)**

These facts certify that these children qualify based upon a move (21) with/ to join/ on own (circle one) (22) _____ (Name of worker)

(23) _____ (Relationship) The qualifying move occurred (24) on/about (circle one) (25) _____ (QAD—M/D/Y) from (26) _____ (City, State, Country)

to (27) _____ (City, State) and enabled the worker to (28) seek/obtain (circle one) temporary/seasonal (circle one) employment in (29) _____

(30) Migrant Status: 1, 2, 3, 4, 5, 6 (circle one)

(31) COMMENTS:

III. PARENT/GUARDIAN CERTIFICATION DATA

The rules for migrant eligibility, migrant services, and the Migrant Student Record Transfer System have been explained to me. I know that my children's records can be sent to other schools and that I may see and obtain them. If my children become formerly migratory, I give permission for them to be considered formerly migratory children until their eligibility ends provided I can withdraw my permission at any time. I certify that the information listed above is true and correct to the best of my knowledge.

(32) _____ (Signature) (33) _____ (Relationship) (34) __/__/__ (Date: M/D/Y)

IV. ELIGIBILITY CERTIFICATION DATA

I certify that I have received training in determining migrant eligibility and the types of migrant services available in this district. I certify that these students are eligible for migrant services based on the information provided here. To the best of my knowledge, the information is reliable and valid.

(35) _____ (Signature of interviewer) (36) __/__/__ (Date: M/D/Y) (37) _____ Signature of ☐ Superintendent ☐ Designee (38) __/__/__ (Date: M/D/Y)

(39) LANGUAGE USED TO EXPLAIN THE CONTENTS OF THIS DOCUMENT: ☐ English ☐ Spanish ☐ Other (specify)

V. CONTINUED RESIDENCY VERIFICATION

(40) School Year	(41) Person Interviewed	(42) Relationship	(43) District Representative Signature/Date

White—LEA or Fiscal Agent
Yellow—Data Entry Specialist
Pink—Parent or Guardian

ADM-080R91

INSTRUCTIONS FOR CERTIFICATE OF ELIGIBILITY

The Certificate of Eligibility (COE) is the only legal document that may be used in Texas for the identification and recruitment of migratory children. The form shall be completed legibly, in ink, by a trained interviewer. **Note:** A child may not qualify as currently migratory on a move on his own (self move) unless he/she moved within the last 12 months with a migratory parent or guardian. Refer to instructions regarding self moves.

Heading

Enter the current school year.

(1) Enter the name of the school district.

(2) Enter the current female parent, last name first. **Note:** For filing purposes, the female parent is requested to be entered on this item.

Section I: Child/School Data

(3) Enter the approximate date (by month, day, and year) on which the children arrived in the district (e.g., 09/03/89). Verify information with school records to ensure credibility.

(4) Enter the name of the city and the state from which the children moved (e.g., Robstown, Texas).

(5) Enter the MSRTS campus code and campus name in which each child is enrolled (e.g., BFYS/Brown Elementary). If a child is not enrolled in school, enter the campus name and code in which he/she would be enrolled, **or** enter the name of the district and the MSRTS code for the district (e.g., Buffalo Gap ISD/BQRP).

(6) Enter the MSRTS child (student) I.D. (number and mnemonic), if available (e.g. 17076762, TFY).

(7) Enter the name (last, first, middle name or initial) of each child (e.g., Sarinara, Jose M.).

(8) Enter the date (by month, day, and year) in which each child enrolled in current school year, if applicable. If a child is not enrolled in school, enter "N/A." For any three-year old being served, enter the date when child starts or started to receive services.

(9) Enter the grade in which each child is enrolled in school, if applicable (e.g., 08). If a child is not enrolled in school, enter "N/A." For any preschool child, enter P and his/her age (e.g., P3, P4).

(10) Enter the sex of each child.

(11) Enter the date (by month, day, and year) on which each child was born (e.g., 04/12/88).

(12) Enter the code which describes the manner in which each child's birthdate was verified or confirmed. Enter codes B for birth certificate, D for document, P for verbal confirmation by parent or guardian, and O for other. "Document" is considered to be any document other than a birth certificate (e.g., baptismal certificate, school records, family Bible record). "Other" is verbal confirmation from anyone besides parent or guardian.

(13) Enter the city and state abbreviation of the child's birth (e.g., Los Angeles, CA). If the child was born in Mexico or Canada, enter the city, state abbreviation and country abbreviation (e.g., San Juan, GT, MX). If a child was born in another country, enter the city, state (if available) and the country name. (See Appendix)

(14) Enter the number which describes the race of the child or the child's parent/guardian. The code descriptors are:

1—American Indian or Alaskan Native
2—Asian or Pacific Islander
3—Black, not Hispanic
4—Hispanic
5—White, not Hispanic

(15) Enter the name (last, first, middle initial) of the legal male parent (e.g., Sarinara, Evaristo M.).

(16) Enter the name (last, first, middle initial) of the legal female parent (e.g., Sarinara, Geronima B.).

(17) Enter the name (last, first, middle initial) of the current male parent, or the child's guardian if different from legal male parent (e.g., Gomez, David).

(18) Enter the name (last, first, middle initial) of the current female parent, or the child's guardian if different from legal female parent (e.g., Gomez, Elisa).

(19) Enter the complete current address and telephone number of the parent/guardian. If no telephone number is available, enter "N/A."

(20) Enter the complete home base address if different from current address.

Section II: Eligibility Data

(21) Circle "with" **or** "to join" **or** "on own" to describe the children's move (e.g., with parent/guardian/other member of immediate family), (e.g., to join parent/guardian/other member of immediate family), (e.g., on own). **Note:** In order for a child to qualify as currently migratory under the "to join" or "on own," a child must have joined or moved on own within 365 days of the migratory parent/guardian's qualifying move.

(22) Enter the first and last name of the worker who sought/obtained temporary/seasonal employment (e.g., David Gomez).

(23) Enter the relationship of the worker to the children (e.g., stepfather, guardian).

(24) Circle either "on" **or** "about" which relates to the qualifying arrival date.

(25) Enter the date (by month, day, and year) for the qualifying arrival date (QAD). The **QAD** is the qualifying arrival date at the place where the qualifying worker obtained or sought employment. In cases where the child joined the parent at a later date, enter the child's arrival date (e.g., 06/10/91).

(26) Enter the city, state, and country (if applicable) from which the children made the qualifying move (e.g., Markesan, WI, USA). This location may be the one from which the children just arrived, or it may be different. **Note:** Also enter school district name **if** multiple school districts exist within the same city (e.g., Laredo, Texas includes United ISD, Laredo ISD).

(27) Enter the city and state abbreviation to which the children made the qualifying move (e.g., Veribest, TX). This location may be the children's present location, or it may be different. **Note:** Also enter the school district name **if** multiple school districts exist within the same city (e.g., Amarillo, Texas includes Highland Park ISD, River Road ISD, Amarillo ISD).

(28) Circle either "seek" **or** "obtain." In cases where eligible migratory employment was sought but not obtained, circle "seek." Circle either "temporary" **or** "seasonal" employment.

(29) Enter a specific temporary or seasonal agricultural or fishing working activity (e.g., harvesting wheat). General descriptions such as "farm work" are not acceptable.

(30) Enter the proper migrant status code after completing Section II. Determine the code according to the following definitions:

1—Current interstate agricultural migrant
2—Current intrastate agricultural migrant
3—Former agricultural migrant
4—Current interstate fisher migrant
5—Current intrastate fisher migrant
6—Former fisher migrant

"Current" means that the child moved at least once within the past twelve months. "Former" means that the child has moved at least once within the past six years, but not within the past twelve months. "Interstate" means that the qualifying move was made from one state to another. "Intrastate" means that the qualifying move was made from one school district to another within the same state.

(31) The following are situations in which an explanation on the comments section of the COE may be necessary:

1. When the QAD is made by the children to join the parent/guardian;
2. When a qualifying move is temporary but may appear to be permanent;
3. When qualifying children based on personal subsistence;
4. When qualifying a formerly for the first time;
5. When qualifying on intent (i.e., no work or nonqualifying work was obtained);
6. When qualifying a move of short duration and/or distance;
7. When a child signs the COE;
8. When an activity is or was of long duration (more than twelve months); and/or
9. When a parent/guardian uses a symbol such as an "X" or other valid mark for his/her signature.

Section III: Parent/Guardian Certification Data

(32) After carefully explaining the statements to the parent/guardian, obtain a signature. A form without a signature will not be considered valid. If the parent/guardian cannot sign his/her name, have them indicate with an "X" or other valid mark of their choice in place of the signature. On comments section (item 31), enter a brief explanation of the signature that is entered with an "X" or other valid mark.

(33) Enter the relationship to the children of the person signing the form (e.g., father, uncle, etc.).

(34) Enter the date (by month, day, and year) on which the signature or mark of the parent/guardian was obtained (e.g., 09/05/91).

Section IV: Eligibility Certification Data

(35) Review the form to be sure that the information is accurate (as relayed by the parent/guardian) and is complete. Enter the signature of the interviewer.

(36) Enter the date (by month, day, and year) on which the form was signed by the interviewer (e.g., 09/07/91).

(37) Enter the signature of the district superintendent or trained designee. Check the box indicating whether the signature is that of the superintendent or the trained designee. If the designee box is checked, there must be a letter on file giving authorization. The superintendent may designate more than one person authorized to sign the form.

(38) Enter the date (by month, day, and year) the form was signed by the superintendent or designee (e.g., 09/08/91).

(39) Check the language used to explain the form and its contents to the parent/guardian being interviewed. If "other" is checked, specify the language used (e.g., Vietnamese).

Section V: Continued Residency Verification

(40) For each year that the family is contacted for follow-up of continued residence verification, enter the school year (e.g., 1992-1993, 1993-1994, etc.).

(41) Enter the name of the person interviewed.

(42) Enter the relationship of the person interviewed to the children listed on the COE.

(43) Enter the signature of the school district representative conducting the interview and the date by month, day, and year.

Copy Distribution

After the form is completed, give the pink copy to the parent/guardian. Distribute the remaining copies after the signature of the superintendent or designee has been obtained. The original (white) form should be filed in the auditable file for the district or the fiscal agent, if the fiscal agent is not the district. The yellow copy should be forwarded to the data entry specialist at the Education Service Center.

NA, not applicable, stands for it doesn't apply. Every effort should be made to obtain the information to fill every blank on the COE. NA should not be used because the information is not readily available.

The following are situations in which explanation on the back of the white copy of the COE may be necessary:

1. When the QAD is made by the child to join the parent/guardian;
2. When a qualifying move is temporary but may appear to be permanent;
3. When qualifying a child based on personal subsistence;
4. When qualifying a formerly for the first time;
5. When qualifying on intent (ie., no work or non-qualifying work was obtained);
6. When qualifying a move of short duration and/or distance;
7. When a child signs the COE; and/or
8. When an activity is or was of long duration (more than twelve months).

CASE STUDIES

A review of sample case studies is an effective training tool. Case studies provide realistic examples for training recruiters in determining eligibility. The district and/or the education service center trainers must present case studies when they are conducting training for recruitment personnel.

Case studies and blank COEs must be distributed to the participants. Ample time per case study must be allowed for participants to determine eligibility and complete the eligibility data on the COE. After each case study, discussion should be held. If any participant is in disagreement, the trainer should review again step by step how to determine eligibility.

After the initial and subsequent years of this manual, new case studies must be introduced in order that they be as current as possible. They shall be provided by the Agency or by the trainer after approval by the Agency. The case studies shall always be taken from actual situations. Trainers and participants must never make assumptions; they must make eligibility determinations on a case based only on the specific facts available.

Eligibility determinations are sometimes not possible due to insufficient information. In such cases, the recruiter or interviewer must probe for the missing facts.

CASE #1

On September 1989, a recruiter in a school district near Austin, Texas interviewed a parent. The following are the facts that were obtained:

- The family is listed with the Department of Agriculture as migratory beekeepers.
- The family travels every spring to Alvin, Texas to work in beekeeping.
- The family owns the equipment with which the work is done.
- The mother is employed as a teacher aide and the father works for the Texas Youth Commission.
- The father in this family went with three of his children to work in beekeeping to Alvin, Texas.

Are the three children in this family eligible to be counted as migratory?

CASE #2

On November 1989, a recruiter in Dimmitt, Texas interviewed a parent. The following are the facts that were gathered:

- The last qualifying arrival date (QAD) for the family was June 2, 1986 when they moved from "the valley" to Dimmitt, Texas.
- There was a 1989 move during the summer by the entire family across school district line boundaries.

- Since the father is disabled, the high school age child was the one who worked hoeing cotton in the fields.

Was the high school age child eligible to be counted as currently migratory on September 1989?

CASE #3

During the summer of 1989, a recruiter interviewed the mother in a family whose son had moved. The recruiter learned the following:

- A student moved from Hereford, Texas to Mission, Texas.
- Hereford and Mission are two different school districts.
- The student worked in a juice factory maintaining machinery that squeezes oranges.
- The work was temporary.

Is the student eligible to be counted as migratory?

CASE #4

A recruiter in a South Texas ISD interviewed a parent in the fall of 1989. The recruiter learned that:

- A student migrated with a relative across school district lines.
- The work found was a qualifying activity on July 1, 1989.
- The father has been employed for 15 years by a gas company.
- The question was raised whether the relative could be considered a guardian to the child.

Is the child in this case eligible to be counted as migrant? What is the QAD?

CASE #5

On September 1990, a recruiter from a school district near Fort Worth, Texas interviewed a parent. In talking with the mother, the recruiter discovered the following:

- A corporation purchased a dairy.
- The corporation transferred a worker to a new dairy to work.
- The worker had no previous history of migration and had worked for several years at the dairy.

Does the person in this case qualify to be counted as migratory?

CASE #6

On September 1989, a recruiter interviewed a student's guardian. The recruiter found out the following information:

- A student's father is a migrant worker.
- The student's father migrated on April 1, 1989 (without the son) which is the qualifying arrival date at the work site.
- The student presently lives with a guardian.

Is the student in this case eligible to be counted as migratory? What is the QAD?

CASE #7

A recruiter wishing to ascertain eligibility criteria, obtained the following information:

- A mushroom plant hires workers on supply and demand.
- The workers are sometimes laid off.

Is the work activity a qualifying activity and would the workers be considered migratory?

CASE #8

A recruiter visited a family on August 1989. The following is the information she obtained:

- A migrant farmworker works for a farmer.
- The farmer faced financial problems and gave the worker produce to sell instead of paying him with money.

Does the person in this case qualify to be counted as migratory?

DETERMINING ELIGIBILITY IN DIFFICULT CASES

Conversations between recruiters and other MEP funded staff invariably include discussions on eligibility issues. These issues involve agricultural and fishing activities which are not **clearly** qualifying due to a variety of phenomenon, such as changes in different farming activities, advanced technology in agribusiness, and the novelty of some agricultural and fishing activities.

Recruiters need someone that they can call to get help in making difficult eligibility decisions. It is the state's obligation to give recruiters guidance in determining eligibility in difficult cases. The state examines specific cases, decides whether or not they qualify, and, if so, based on which criteria.

The specific process required by the state involves the recruiter at the district, or at the service center in cooperatives, the service center, and ultimately the state. The understanding should be that the state can always be contacted by either district or service center staff.

At the local level, the recruiter or the staff member most knowledgeable about eligibility gathers the information needed to make the eligibility determination. If the determination cannot be made, the recruiter or staff member follows the internal process of going to the supervisor or administrator for help. For additional help, one of the persons involved at the district level places a call to a service center staff member designated to make eligibility determinations. If determination cannot be reached at this level, the service center staff member contacts a staff member at the Agency designated to answer eligibility questions.

Difficult eligibility questions received by the Agency must follow a process before a determination of eligibility or ineligibility is reached. The person assigned the responsibility will determine whether similar cases have been reviewed in the past and the type of guidance which has been given. If no past similar cases are on file, eligibility will be decided based on the facts of the individual case. The service center or district will then be called and given guidance.

Eligibility decisions which require guidance at the state level shall be shared with all service center MEP staff at the three annual training and information sharing sessions. Service center MEP staff will share decisions with the school districts in their service area within 30 days.

The quality control system which the state implements must insure that difficult eligibility decisions are well explained on the COE. Difficult decisions made by recruiters must include sufficient narrative to satisfy state and federal auditors.

RECRUITERS CAN RELY ON THE STATE TO HELP MAKE DIFFICULT ELIGIBILITY DECISIONS.

INDICATORS OF POSSIBLE NON-QUALIFYING CONDITIONS

The section on "Determining Eligibility in Difficult Cases" deals with the process to follow in making eligibility decisions in difficult cases. This section, "Indicators of Possible Non-Qualifying Conditions," lists conditions which may be problematic for recruiters. There is a section in the NRG entitled, "The Need for Recruiters, in Specified Situations, to Detail the Reasoning in Their Eligibility Determinations." It includes a list of situations which are unusual. All of these indicators require extra effort from the recruiter. In each case, the recruiter must seek additional help or information to make a determination. When an eligibility decision is finally reached, the recruiter must clarify, in narrative form on the COE, the reasons for his/her determination. The reasoning does not need to be lengthy, but it must be complete and clear enough to withstand scrutiny over time.

- Qualifying worker-owned or operated farm/ranch or business for agricultural activities
- Truck drivers beyond the initial first haul
- Permanent employment in a qualifying activity; temporary supervisors, managers, and foremen might qualify
- Moves for 3 days or less (weekends), unless a well-established move pattern (3 or more weekends) exists (history of moves)
- Hauling for retail merchants beyond the initial commercial sale
- Raising race horses not meant for initial commercial sale
- Commuting other than daily (Daily commuting does not qualify.)
- Activities, or a series of activities that would be either temporary or permanent
- Activities, or a series of activities that would be very unusual

QUALIFYING SEASONAL/TEMPORARY ACTIVITIES IN LIVESTOCK, POULTRY, AND DAIRYING

The following section deals with qualifying seasonal/temporary work activities which may be performed when a migratory person is working with livestock or poultry and in dairying. A section on crops and fishing would also be very helpful to recruiters and may be provided in future additions to this manual. This information is not meant to be a substitute for the eligibility decision a recruiter must make for each individual child. The definitions require that each child must meet all eligibility criteria.

Recruiters must become familiar with the contents of this section. They may not have to make eligibility decisions concerning seasonal or temporary criteria for every activity contained here. Nevertheless, recruiters need to understand that the state must conduct recruitment so carefully as to be certain that all migrant children enrolled in the MSRTS meet all of the criteria for eligibility. They must also explain the eligibility determinations on the COE in language which can be understood by state and federal auditors who may be unfamiliar with the qualifying activities and/or their seasonal/temporary aspects.

When a recruiter is having difficulty making an eligibility decision on work related to processing in livestock, poultry, or dairy work, a review of the fact that in this type of work it is the migration and not the work that makes a worker eligible is important.

LIVESTOCK

Livestock are farm or domestic animals, such as cattle, horses, or pigs raised or kept for home use or for sale.

Livestock produced (raised) and/or processed (slaughtered) in Texas include: cattle, goats, sheep, swine, rabbits, horses, and deer.

- Examples of qualifying work activities performed **seasonally** (when they are most beneficial to the producer or the stock) **may** include:
  - "dehorning"* removing horns (spring)
  - herding, corralling, moving from pasture to pasture or pen to pen**
  - worming and vaccinating (spring)
  - calving, lambing*
  - plowing and harrowing land for planting of forage crop (early spring)
  - planting seed for hay and grain for forage (early spring or late fall, depending on variety)

*Industry Terms

This activity is **usually considered **seasonal.** It **may** be considered **temporary** if performed to meet the **impermanent** needs of the farmer or the worker.

- cutting hay for forage (July-August)
- clipping hay for seeding new pastures (August and September)
- harvesting grain (July-September)
- grinding grain and storing silage in silo (July-September)
- raking and baling hay (May until first frost)
- hauling and stacking hay in barns**
- gathering manure for fertilizer
- fertilizing pastures**
- shearing sheep (April-May)
- branding (spring)
- combatting regrowth mechanically and chemically
- chiseling the ground to aerate it
- controlling brush growth

- Qualifying production activities which **may** provide **temporary** employment for migrant workers include:
  - fencing/building and repairing fences
  - building pens, stalls, barns, etc.
  - branding/tagging
  - feeding, watering, and tending
  - administering medications and/or nutrients
  - cleaning animals, stalls, barns, pens, fence rows, etc.
  - preparing for and transporting to slaughter house, meat packing plants, and/or other points of initial commercial sale
  - skinning rabbits
  - weeding/clipping pastures
  - loading and unloading livestock
  - irrigating

- Qualifying activities in the processing of livestock which may provide **temporary** employment and which are performed at the slaughter house include:
  - loading and unloading livestock

This activity is **usually considered **seasonal.** It **may** be considered **temporary** if performed to meet the **impermanent** needs of the farmer or the worker.

- preparing for buying and/or slaughtering
- weighing
- slaughtering
- packaging
- labeling
- cleaning and maintaining area and equipment
- removing excess fat
- boxing similar cuts of beef
- storing beef in freezers
- deboning beef after chilling
- loading packaged meat

General Statements Concerning Livestock:
There **may** be two points of initial commercial sale: from the producer to the processor and/or from the processor to market.

A livestock farmer can make an initial commercial sale to another livestock farmer for improving his stock and/or an initial commercial sale to the slaughter house for processing.

Employment which is demanded by peak periods in the industry results in the hiring of temporary workers known as "gangs," "crew leaders," "foremen," "crews," "ranch hands," "hands," and/or "shifts."

In keeping with the federal definition, each individual case must qualify based on the migrant status of the worker. Migrant eligibility must be determined based on all criteria including the seasonal or temporary nature of the employment.

POULTRY

Poultry production and processing is the raising of domestic fowl for flesh, eggs, feathers, down, breeding, and by-products.

Poultry production and processing in Texas consists of chickens, turkeys, cornish hens, ducks, geese, quail, ostrich, pheasant, and dove.

- Examples of qualifying work activities which **may** provide temporary employment at **breeder egg farms,** the locations at which fertile eggs are produced, are:
  - cleaning house and equipment (prior to the arrival of day-old chicks from the hatchery)
  - unloading and spreading shavings or other bedding material
  - receiving and unloading chicks (the day of arrival)
  - separating pullets into units and placing roosters with the units for production of fertilized eggs
  - daily feeding and watering of laying hens

- gathering eggs (every hour)
- preparing eggs for shipment to hatchery
- transporting eggs to hatchery
- catching and caging hens (at the end of their laying season)
- loading hens for transporting
- transporting hens to the soup factory

(It is possible for a flock of layer hens to begin another laying season. If the flock is to be held over for another production season, the hens must first be caught, caged, and loaded and transported to another chicken house. These would also be qualifying work activities.)

- Examples of qualifying work activities which **may** provide temporary employment at **hatcheries**, the sites at which fertile eggs are received and tended until hatched into chicks, are:
  - receiving of eggs from breeder egg farms, unloading and storing, "candling,"* and sorting
  - placing eggs in trays and trays in incubators
  - pulling trays and removing chicks, shells, and unhatched eggs (at the end of 21 days)
  - cleaning of incubator trays
  - "sexing"* (determining sex), "debeaking"* (removing beak), and vaccinating day-old chicks
  - "boxing"* chicks for shipment to broiler houses
  - transporting boxes of chicks to broiler houses

- Examples of qualifying activities which **may** provide temporary employment at **broiler houses** (producers or feeders), the sites at which broiler chicks are placed until desired growth is reached, are:
  - cleaning of house and equipment prior to the arrival of the broiler chicks
  - receiving and unloading of chicks
  - hauling of feed from bulk mill to broiler house
  - unloading feed from truck into hopper at broiler house
  - daily feeding and watering of birds
  - adjusting height of feed and water troughs (as birds grow)
  - stirring birds (during extremely hot weather)

Note: These broiler houses are also commonly known as "chicken houses" or "chicken farms." From 20,000 to 100,000 day-old broiler chicks are placed with the producer. This flock is fed during a six-week (42-45 day) feeding period or conversion period (wherein the chicken feed is "converted"* into a four-to six-pound live-weight bird). At the end of the growing period, these birds are loaded out of the chicken house and transported in coops to the processing plant.

*Industry Term.

- catching, caging, and loading birds for transporting to broiler processing plant
- transporting chickens in coops to processing plant
- loading unused feed and transporting it back to mill

- Examples of qualifying work activities which **may** provide temporary employment at **processing plants,** the sites at which broiler chickens are received, slaughtered, and processed for initial commercial sale, are:
  - unloading chickens from coops
  - hanging chickens to prepare them for slaughter
  - killing chickens
  - deheading chickens
  - bleeding chickens
  - scalding chickens
  - removing feathers
  - opening body cavity
  - separating viscera (internals)
  - trimming (employee is called "trimmer")
  - removing entrails (nonusable) and usable parts (liver, heart, gizzard)
  - cleaning chickens and parts
  - inspecting carcass
  - chilling chickens and parts/chill-bath processing
  - grading
  - operating cutting machine/cutting grade B chickens
  - packing and icing chickens and parts
  - stacking boxes of chickens and parts onto pallets for refrigeration or for shipment
  - transporting to market

Note: There are times when these plants close down, even though the poultry industry is considered a year-round industrial process. Causes for shut-downs or delays can be attributed to:

Natural causes (heat waves, ice storms)—Even with all the care a feeder (producer) may take to protect his flock from heat, there have been extreme cases in which tens of thousands of birds have perished, causing a breakdown in the entire production and processing of poultry. In the same manner, an ice storm can knock out all electrical sources to the feeder as well as to the plant, where birds are conveyed through the processing line quickly and automatically by electric conveyor systems.

Flock contamination—A processor's source of supply can be badly interrupted because the feeder (producer) has experienced contamination of his flock through feed contamination (insecticides applied to grains, etc.).

On the other hand, there are periods of peak production which have been determined by market statistics over a period of time. These statistics indicate that during periods of peak production, more temporary workers must be employed in order to increase the number of broilers processed

(so that market demand can be satisfied). This practice is called "controlled hiring"* and is common to the poultry production industry.

As processing plants become more automated and the volume of production is increased by the use of computers, many activities necessary in the production process are performed by machines. However, many workers are needed at crucial points along the production line to perform activities and to be certain the work is progressing properly.

The "grade" of a chicken is designated to be "A" or "B" grade. Grade "A" is given to a whole chicken with a neck, a gizzard, a liver, and a heart packaged inside. Grade "B" is a chicken with one or more parts missing. Grade "B" chickens are always cut up and packaged to be sold by parts (wings, thighs, etc.).

Not all processing plants are equipped to cut up, package, and label separate parts of the chicken. Such plants only process whole broilers. Therefore, some plants will have a greater need for temporary workers.

The night shift at a chicken processing plant is considered the "production shift." Whatever processing activities have not been completed by the "night," or "production," shift will be completed by the "day" shift, or "clean-up" shift.

- Examples of qualifying work activities which **may** provide temporary employment at **egg farms,** the sites at which layer hens are housed and raised in order for them to produce eggs, are:
  - cleaning of houses and equipment (once a year)
  - receiving chicks or chickens
  - setting up chickens in roosts to begin laying
  - gathering eggs
  - cleaning and sorting eggs
  - "casing up eggs" and putting them into cold storage
  - loading eggs into refrigerated trucks for shipping
  - catching, caging, and loading birds (which have reached molt) for transporting to processing factory for making soup and other chicken products
  - transporting to market
  - grading eggs
  - packing eggs
  - preparing feed

  Chickens which will produce eggs for human consumption can be received at the egg farm as day-old chicks or as 14-16 week-old chickens. They begin laying when they are about 22 weeks of age and can lay 12-13 months before they reach molt (end of producing stage) and must be changed out with a new flock.

General Statements Concerning Poultry:
The production and processing activities in the state are usually accomplished for one corporate owner at different locations.

*Industry Term

The initial commercial sale of the product (chicken) is not from the producer to the processor because the processor initiated the production and owns the product from the beginning through processing. The initial commercial sale of the product is from the processor to the retail market.

Initial commercial sale of eggs can take place from the egg farm to market or the eggs can be hatched and remain as part of the vertically integrated industry until they are processed.

Migrant families have been known to migrate in order to produce and process poultry as a principal means of personal subsistence. Instances of this nature are rare and must be carefully documented.

The production and processing of most other fowl is on a much smaller scale than that of chickens. Activities directly related to such production and processing may provide temporary employment opportunities for migrant workers.

DAIRYING

"Dairying" or "dairy farming" is an industry in which dairy animals and products are produced and/or processed.

Dairy animals known to be raised commercially in Texas are cows, bulls for feedlot, non-registered and registered bulls for reproduction, replacement heifers, and goats.

Dairy products in Texas include milk, butter, cheese, cheese products, ice cream, and powdered milk.

- Examples of qualifying activities that may take place collectively or partially on a dairy farm and are performed seasonally, when they are most beneficial to the stock or to the producer and may provide employment opportunities for migrant workers include:
  - calving
  - feeding calves
  - "dehorning,"* branding, worming, and vaccinating
  - herding/corralling/moving animals from pasture to pasture**
  - plowing and harrowing land for planting (early spring)
  - planting seed for hay and grain (early spring or late fall, depending on variety of grain or on weather conditions)
  - cutting hay (July-August)
  - clipping hay for seeding new pastures (August)
  - harvesting and storing silage (July-September)
  - raking and baling hay (May until first frost)

*Industry Term

**This activity may be considered seasonal or it can be considered temporary.

- hauling and stacking hay in barns**
- irrigating
- milking
- green chopping* (June until first frost)

- Qualifying activities, which may provide temporary employment for workers on a dairy farm, may include (but are not necessarily limited to):
  - transporting the animals to be sold
  - building or repairing fences
  - cleaning fence rows
  - fertilizing pastures
  - spraying for weed control and controlling brush growth
  - washing barns
  - scraping lots
  - irrigating

General Statements Concerning Dairy Farming:
In dairying, there may be an initial commercial sale when the dairy animal is sold to another dairy farmer for increasing his herd, or when the animal is sold to the slaughter house for processing. There may also be an initial commercial sale of the raw milk from the dairy farmer to the processor.

The dairy farmer may be the producer and the processor and therefore will process the milk himself for initial commercial sale.

*Industry Term
**This activity may be considered seasonal or it can be considered temporary.

IDENTIFICATION AND RECRUITMENT

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IDENTIFICATION AND RECRUITMENT

The migrant recruiter, who may be a teacher, a teacher aide, a clerk, a community aide, or another person employed by the school, is most often the person who makes the first contact with parents of eligible children. For many of the parents, this initial contact sets the tone for the home-school relationship in the district. It is very important that this contact be positive as well as supportive of the various needs of the migrant family.

A set pattern of employment for recruiters is difficult to establish because of the varying needs of individual school districts. Recruiters may be full-time or part-time depending on those needs. In most cases, recruiters should be on duty prior to the beginning of the school year in order to conduct identification and recruitment. Each school district should be able to respond to the patterns of peak migrant arrival times. Sufficient recruitment personnel should be employed to identify and recruit children during the months of June, July, and August in areas of the state where it is necessary.

Recruitment may be defined as the location, identification, and enrollment of eligible migratory children. Recruitment needs to be continuous throughout the entire year and not be confined to any certain period of time. Although the bulk of the enrollments and re-enrollments may occur at the beginning of the school year, the currently migratory child may be moving from district to district throughout the year. Although already in the school district or in the district for a few years, the formerly migratory child may have been overlooked in the fall recruitment effort. identification and enrollment for this child could occur at any time during the year.

The Texas Education Agency (Agency) is ultimately responsible for implementing a statewide process that assures the reliability of eligibility determinations and for the quality of the information on the certificates that record those determinations. The recruiter, as an extension of the Agency, identifies children as migratory. The parent or child (or another person) provides statements of fact to the recruiter. The recruiter's primary responsibility is to interview the parent/guardian, gather and analyze facts from other sources, and make eligibility determinations based on the facts.

A quality control process prescribed by the Agency gives the recruiter and the school district the confidence that eligibility determinations are correct and will withstand scrutiny over time.

THE TOTAL PROCESS INCLUDES IDENTIFICATION AND RECRUITMENT

RECRUITING STATEWIDE

Texas has the second largest migrant population of any state in the United States. There are larger concentrations of migrant students in some areas of the state than in others. In order to serve these children with quality programs which will keep them in school, improve their academic achievement, and increase their graduation rates, they must first be identified and recruited. Texas is committed to these possibilities for this population. The state recognizes the importance of a thorough search for migratory children. All migrant children possible should be identified and recruited and then served based on their migrant status and their educational need with currently migratory children being the first priority.

In keeping with the Agency's commitment as stated in the *Application for Migrant Education Program Funds* to identify and recruit as many migrant children as possible, the Commissioner of Education disseminates a letter annually to all school district and service center administrators in the state. In the letter, he advises them of the need to identify and recruit all migratory children and of the funding available. He reminds them that Texas is charged with being responsive to the educational needs of all children and must particularly address the educational needs of at-risk populations.

Being cognizant of the needs in the area of identification and recruitment, the Commissioner makes funds available to service centers so that they can assist project and nonproject districts in this endeavor. Districts may also receive funds to employ personnel to do their recruiting. Funds are made available to service centers to employ personnel who train and provide technical assistance to recruiters and others involved in making eligibility decisions.

NONPROJECT DISTRICTS AND WAYS TO HELP THEM

If schools are to educate all children effectively, school boards and educators must address the unique needs of migrant children. Because of early withdrawal from and late entry into school, absenteeism, and generally lower achievement levels, many migrant students are likely to make failing grades, be retained, and drop out of school at an early age. Data on student performance and the drop-out statistics support the fact that public education in general has not been successful in addressing the specific educational needs of the migrant student population. In an effort to address these needs the state has the following objectives in the Chapter 1 Migrant State Plan: (1) Improving achievement levels in the basic skills; (2) Increasing graduation rates; (3) Increasing parental involvement; and (4) Identifying/recruiting eligible migrant children.

The Education Commission of the States in their 1987 publication, "Youth at Risk," states that ". . . most schools are structured to accommodate the mythical family composed of a husband who works and a wife who stays at home." Nothing could be further from the truth when dealing with the migrant family. Children of migratory parents need critical intervention by schools if they are to overcome the negative aspects of the migrant lifestyle and achieve academically. Academic achievement is a first step to their remaining in school, passing the required exit-level test, and graduating from high school. Additionally, they will stand a better chance of attending college and/or participating in the competitive job market.

Whether or not to participate in the migrant program is fully the option of each school district. It is, however the state's responsibility to provide services to eligible migrant children. These services must be based on a statewide needs assessment. To address the educational needs of migrant students successfully usually requires the use of all available monetary and personnel resources. Supplemental federal resources can be available to school districts that identify migrant children. If a district is using other resources to meet the educational needs of its migrant students as indicated by their low drop-out rate and high student performance and does not need additional resources, the identification and reporting of migrant children will add to the state's count of migratory children which will generate funds for other districts with migrant programs.

Districts should address the needs of students by using every resource available. The Migrant Program provides additional resources which school districts may use to focus on increased student performance for one of Texas' at-risk populations.

Recruiters can often use the identification and recruitment letter sent annually by the Agency to all school districts to open lines of communication and create a positive working relationship with non-project districts. Nonproject districts often become project districts or cooperatives.

NONPROJECT DISTRICTS CAN BECOME PROJECT DISTRICTS.

STRATEGIES FOR EFFECTIVE RECRUITMENT

School districts should use a variety of strategies for locating children who may be eligible for the migrant program. By combining strategies, districts increase the likelihood of identifying all eligible children. The following are some suggestions for districts to use in developing a systematic recruitment plan. Additional suggestions are found beginning on page 10.

- Conduct awareness training for key personnel, such as migrant teachers, regular teachers, nurses, counselors, campus registrars, secretaries, attendance clerks, bus drivers, and others who can help to identify migrant children. (The person who makes the first contact or enrolls any or all of the students is a key person who needs this training.)

- Conduct training. Appropriate and sufficient training is the key to a successful program.

- Assign duties to recruiters prior to the beginning of the school year.

- Use available reports, i.e., Periodic Enrollment and Validation Reports, Mass Enrollment Reports, Education Service Center, Region I computer listings, Exception Reports, and Missed Enrollment Reports.

- Use survey forms and questionnaires.

- Assign a continuous review of enrollment/registration cards.

- Coordinate with community agencies, i.e., 402 projects, WIC, and Community Service Block Grants.

- Use the media (radio, TV, and newspaper).

- Canvas the community street by street.

- Invite parents to school on registration day.

- Display posters about the Migrant Education Program (MEP) in appropriate locations.

- Send out district-wide information on eligibility and the MEP.

- Contact leads to find migrant families, such as the following:

School registrars
Counselors
Attendance and migrant clerks
Secretaries
Nurses
Librarians
Teachers
School administrators
Students
Custodians
Laundromat owners
Charitable organizations
Texas Department of Human Resources
Community Agencies (Texas Migrant Council, Texas Employment Commission, health clinics, welfare offices, etc.)
Employers

Bus drivers
Post office workers
(in small towns)
Owners of small stores
Clergymen
Community Headstart Program
Utility companies

Crew leaders
Ranch owners/managers
Other migrant parents
Landlords of itinerant residential
areas and/or
low-income housing

By Combining Strategies, Districts Increase The Likelihood of Identifying All Eligible Children.

RECRUITER CHARACTERISTICS

The ability to establish quick and lasting rapport with parents and other persons, to obtain factual information, to communicate in the language the parents understand, and a wide array of cultural knowledge and understanding are necessary skills for the recruiter. This outline is an attempt to name and categorize the desirable characteristics and skills of a recruiter. The order is not necessarily synonymous with the level of importance.

Personal

1. Talented in just naturally wanting to interact with and help people.
2. Empathetic when dealing with other people's problems and living conditions.
3. Mobile in order to attend training, Parent Advisory Committee (PAC) meetings, and to conduct recruitment.
4. Assertive and resourceful in attempting to locate all migrant families in the district.
5. Patient in dealing with families, school personnel, growers, etc.
6. Friendly and genuine, especially under difficult circumstances.
7. Pleasant even in the face of unpleasant surroundings or situations.
8. Reliable at all times.
9. Honest in dealing with what parents can reasonably expect from him/her or the school district.
10. Groomed appropriately and never over dressed or inappropriately dressed.

Public Relations

1. Effective in eliciting cooperation.
2. Convincing in the face of skepticism or parental resistance to the MEP.
3. Positive about assignments regardless of how menial or difficult.
4. Tactful in dealing with the public and those who are not supportive of the MEP.
5. Optimistic in spite of dealing with poverty and the needs of other people.
6. Committed to giving migrant families leads to resources available.

Organization/Decision Making

1. Supportive of the MEP.
2. Objective in dealing with information and making decisions.
3. Efficient in structuring time and tasks, yet flexible when necessary.
4. Skillful in record keeping.

Motivational

1. Curious about new faces, early withdrawals, and late entries.
2. Brave enough to visit potentially dangerous neighborhoods.
3. Self-reliant when there is a sense of isolation or a need to work independently.

Educational

1. Knowledgeable about the MEP and related services, district boundaries, migrant housing, migration patterns, crops and catches and their seasons, and school-related services and activities.
2. Bilingual, if dealing with families whose language is other than English.
3. Skillful in the four communication skills (listening, speaking, reading, and writing).
4. Experienced. While desirable as a prerequisite, experience will probably be gained on the job.

DUTIES AND RESPONSIBILITIES OF A RECRUITER

The specific activities and responsibilities of the recruiter will be determined by the employing school district or service center in compliance with applicable Federal and State regulations and policies. Attention must be given to assignment in the area of identification and recruitment. Recruiters can be more effective if they are permitted a flexible work schedule and maintain attendance reports as required by the employer. They must be free to recruit children at all times and particularly during peak arrival periods. Responsibilities of the recruiters are:

- Attend periodic scheduled training sessions (a recruiter cannot function effectively without adequate training).
- Certify the eligibility of children to participate in the MEP activities according to program eligibility criteria.
- Complete Certificates of Eligibility (COEs).
- Collect data which is required to enroll eligible children in the MSRTS and the local MEP.
- Maintain proper auditable records and current information relating to identification and recruitment.
- Serve as a communications link between the central office and the schools, growers, agribusinesses, and community agencies. This may require contacts with school principals, attendance counselors, growers, food processors, and community agents.
- Follow procedures, practices, and directives regarding MSRTS, recruitment, and the MEP.
- Determine the location of migrant children.
- Visit health clinics, charity organizations, civic groups, etc., in order to find migrant families.
- Conduct periodic surveys of migrant housing areas.
- Keep in contact with growers and organizations using migrant labor for the purpose of identifying migrant children as they move into the school district.

Additional duties which may be assigned to recruiters. These duties should never take precedence over the duties which directly effect identification and recruitment. Some of these are:

- Serve as a home-school coordinator as requested by the local project director, i.e., make home visits, obtain ancillary services, etc.
- Assist in recruiting parents for the PAC and PAC activities.
- Assist with referrals of migrant parents to community agencies for available resources.
- Perform other duties as prescribed by the local project director or supervisor.

PREPARATION FOR RECRUITMENT

There are procedures and preparations that are necessary to make the recruiter's job more effective. Taking the time to ensure that procedures and preparations are in place will result in efficiency and effectiveness once recruitment actually begins. Making a list of all forms, reports, and records that require completion and other paperwork requirements will help. Recruiters should:

- Attend annual training before recruitment begins.
- Notify the superintendent of the school district that recruitment will be conducted in his/her district all year or give specific dates. (This applies to service center and nonproject recruiters only.)
- Arrange all material needed in a folder. Include the following: The most recent *Federal Register(s)*, the "Texas Manual for the Identification and Recruitment of Migrant Students," extra COEs, Health Data Entry forms, other forms and brochures explaining the program, two pens, While-You-Were-Out slips, maps of the district, samples of MSRTS records to use to explain to parents, a dictionary in English and the other language that parents speak, and calling cards.
- Make canvassing plans of migrant families to insure that travel is efficient.
- Advertise! The public should know that the recruiter is coming. Notify local radio stations and newspapers; place posters in grocery stores, laundromats, etc.
- Know the programs and services in the district, what is offered, and what is not offered.
- Plan a "speech" to the parents. Practice makes perfect!
- Review the COE again. It is a legal document that records and establishes eligibility and must be filled out correctly and completely. Include it in practice sessions.
- Be prepared. Take any information a parent might want to know, such as local health facility locations, lists of social service agencies and services, pre-school programs, parental involvement activities, facts about the school system, local churches, and anything else of general interest.
- NEVER MAKE ASSUMPTIONS! Some common ones are that (1) all workers in a certain place automatically qualify, (2) the children in the family moved with the family, or (3) migrants belong (or don't belong) to a certain ethnic group.

TWO RULES THAT RECRUITERS SHOULD FOLLOW ARE:

ALWAYS BE PREPARED.
NEVER MAKE ASSUMPTIONS.

INTERVIEWING THE MIGRANT FAMILY

The Federal regulations use the word "moved" to mean migration from one location to another as is the common practice of migratory families in search of agriculture/fishing temporary/seasonal work.

This manual uses the word "moved" in the section on "Eligibility" since it deals with the definitions as they are found in the regulation.

For the purpose of the actual interview of the migrant family, the recruiter must never use the words "move" or "moved" since they connote different meanings to different people. To the migrant population, "move" as going from one place to another is considered a drastic act akin to total relocation. Migrants do not "move" or totally relocate for they always expect to return to a permanent residence or a place where they usually live when they are not migratory.

In the speech of migrant families they use the words "go" and "went." Recruiters must make every effort to use the words that best describe what the family understands and can relate to.

The skills and personal characteristics associated with good recruiters are synonymous with those required for successful interviewing. The interview with the migrant family representative is the focal point of the recruiter's work and the ability to conduct an interview effectively and secure correct information will determine the recruiter's success or failure in the district's recruitment effort.

The interview is the most important mechanism through which a recruiter elicits factual information on which children are determined to be eligible or not eligible for the migrant program. Many skills are brought into play: the ability to relate comfortably with the parent/guardian; the ability to conduct an interview in an informal setting; and a wide array of cultural knowledge and understanding.

A prerequisite for interviewing is the thorough knowledge of migrant regulations and definitions. Recruiters should also develop skill in proper questioning techniques. The questions they ask should be open-ended to secure factual information. Extensive probing for additional information or clarification is usually not necessary except in questionable cases.

In order to determine eligibility for a child, a recruiter must investigate through questions in an effort to obtain information. It is vital that the recruiter know how to phrase questions and elicit correct and useful information. In most cases the recruiter will interview the parent/guardian. The following line of questioning may be used in training recruiters; however, they need to know that the most critical aspect of the interview is the credibility of the information obtained. A programmed and highly structured line of questioning may yield less information than a more informal approach which puts the family at ease. (Also see Forms, Questionnaires, and Charts in the Appendix.)

Introduction

The migrant family has dignity and worth. The family may speak a different language and come from a different cultural background. Different does not mean inferior. The recruiter must always show courtesy and respect for the differences and for the family's right to privacy. It is best if the recruiter attempts to put the family at ease. This can be accomplished if professional but informal language is used. The recruiter must be careful not to use an approach which is too casual and may appear insincere. Building rapport (trust) will lead to sharing of information.

The recruiter should greet the family, introduce him/her self by name, and identify the school district or service center being represented. The recruiter may use this approach:

> "Good morning Mr./Mrs. _____. I would like to talk with you for a few minutes. My name is _____. I work for the _____ Independent School District (service center)."

After the initial introduction, the recruiter should explain that the school district employs recruiters to interview parents to see if their children qualify for some of the many programs being offered.

The recruiter may say:

> "In my work I visit parents who have children in school." (Here the recruiter may try to strengthen rapport with the family by introducing some personal information. The recruiter might bring up the name of the migrant family who recommended a visit to this migrant family, or share the fact that he/she was also once a migrant, or provide some information on how much school programs can help children because teachers care so much.) The recruiter can then say, "Our school has many programs that can help children do well in school. For example, we have bilingual, reading, tutorial, gifted and talented, math, and migrant programs. In order to find out if your child can be in one of these programs, I need to ask you a few questions. Some of these programs require information about the kind of work that the parent/guardian or another member of the family do."

The recruiter should ask the family member(s) being interviewed if the time is agreeable to them for the interview. If it is not, an appointment for another time should be made. If it is, the recruiter may proceed as follows.

Family's Present Circumstances

The recruiter should ask if anyone in the family has been able to find work in the community. If **the answer is yes,** the recruiter asks all of the questions dealing with eligibility criteria:

> "What kind of work were you looking for?" or "What kind of work have you been able to find?" or "What kind of work are you doing?" (This determines if it was in agriculture or fishing but the recruiter does not specifically ask if the work was in agriculture or fishing.)
>
> "Who traveled or migrated?" [This determines if the parent/guardian and/or the child(ren) migrated].
>
> "Did one or more of the children travel with or to join the parent/guardian?"
>
> "Was the migration within the past 12 months?" "Was the migration within the past six years?"
>
> "Did the family of a migratory worker migrate from one school district to another?"
>
> "Did the migration enable the child of a migratory worker, the child's parent/guardian, or a member of the child's immediate family to obtain seasonal/temporary employment?"

If the answer is no, the recruiter asks:

> "What kind of work have you looked for?" (The recruiter does not use the word intent but that is what is being looked for.)

Qualifying a worker on intent is difficult to document and can become questionable in future audits. Recruiters can safeguard the credibility of an eligibility determination based on intent by asking a few questions and entering the responses or a summary of the responses on the COE. Sample questions are:

> "Where (what place) did you apply for work?" "Who did you talk to?"
>
> "When (date or approximate date) did you apply for this work?"
>
> "Did someone take you there?" "What was that person's name?"

Obtaining this information and entering it on a COE provides a third party credible source to be contacted if a question arises over the eligibility determination.

If the answer is that the work looked for was in agriculture/fishing and all of the criteria were met, the child(ren) qualify even if there has been no employment or there is permanent employment.

If the answer is no, and the work looked for (intent) was permanent work, and the worker has obtained permanent work or is unemployed, the child(ren) do not qualify on this migration.

Migratory History and Formerly Migratory Children

The recruiter must then ask questions to determine prior migrations within the last six years of the date of the present recruitment. If the recruiter determines that a family migrated from one place to another to work in agriculture or fishing, the recruiter must arrive at the last, most recent, migration to determine the QAD and the status of eligibility.

If a recruiter is able to determine a migration within the prior six years, all questions regarding criteria to be met should be asked:

> "Did the child(ren) travel with or to join the parent/guardian?"
>
> "Was the migration within the past 12 months?"
>
> "Did the family travel from one school district to another?"
>
> "Did the migration enable the child of a migratory worker, the child's parent/guardian, or a member of the child's immediate family to obtain seasonal/temporary employment in agriculture or fishing?"

When qualifying formerlys, the recruiter also needs to establish third party sources who can provide credible facts if an eligibility determination is questioned. The following list is representative of such sources:

- Names and enrollment records of schools attended in the past.

- Name of past employer(s) or companies worked for.
- Name(s) of other families that this family has traveled or worked with.
- Place (district) where the family was interviewed in the past.
- Agency(ies) which have helped the migrant family (the federally funded, Date Street Housing Project in Plainview, Texas, the Texas Migrant Council in Laredo, Texas, and in Hereford, Texas, etc.).
- Dates and places of births, marriages, and graduations.

Family Member(s) Who Migrated

There may be several children in the family and several other family members including the father, the mother, grandparents, uncles, aunts, and cousins. The recruiter must determine through questioning who actually migrated on this or prior migrations. All eligible children in the family ages zero through 21 who meet the criteria should be identified.

The recruiter should probe with additional questions in cases where children are over the age of 16 to determine if they migrated or if they have already graduated. Birth dates for children should be checked against credible sources such as birth certificates, baptismal records, and/or school records.

The recruiter must question to determine if the migration leads to a current or to a former status for one or more of the children. It will also be necessary for the recruiter to know if the parent/guardian migrated, and, if not, who stood in place of a parent to the child(ren). This information is necessary in order for the recruiter to determine eligibility, to support that the information obtained was from a credible source, and to obtain a signature on the COE.

Family Member(s) Who Did Qualifying Work

The recruiter will not ask questions such as, "Did the father work in agriculture?" The recruiter will ask who worked and what kind of work it was. The answers should yield the name of the parent/guardian migratory worker and the child(ren) who also worked to determine if the migration enabled the child of a migratory worker, the child's guardian, or a member of the child's immediate family to obtain seasonal/temporary agricultural or fishing work.

Dates of Departure and Return

The recruiter must establish the status of the migrant child being recruited. The date of arrival at a location is important. The recruiter may ask:

> "When (date or approximate date) did you arrive here?" "When did you leave the place where you were?" These two questions may provide the information to determine current migrant status. If they do not, the recruiter must try to determine formerly status on past migrations.

Questions which can be asked are:

> "When was the last time (most recent) that you went from one place to another to find work?" "When did you leave one place?" "When did you arrive at another place?"

Credible Sources of Support

The recruiter will have initially, and throughout the questioning, demonstrated sensitivity to the rights of the family. At this time, the family member(s) being interviewed should be asked if they are agreeable to spending time answering questions while the recruiter completes the COE(s). If they are, the recruiter proceeds. If they are not, an appointment for a future time is made.

The recruiter must remember the importance of obtaining information on third party credible sources and documenting it for cases involving intent and/or formerlys. In most cases these may never be contacted or reviewed again; however, in an audit, the third party source(s) can be an additional credible source(s) which the recruiter obtained. Some of these sources are listed under "Migrant History."

The recruiter who interviews a family, personally observes them doing qualifying work, and documents the observation is considered a credible source.

All of the conditions required by the regulations and found under "Family's Present Circumstances" must be met in order for the child(ren) to be eligible. The recruiter should always remember that possible error lies both in identifying a child as eligible when the child is ineligible as well as in not identifying a child who is eligible.

The recruiter now does the following:

- Explains the function of the MSRTS and the benefits of the MEP after eligibility is established.
- Informs the parent/guardian of their rights under the "Family Education Rights and Privacy Act" (FERPA).
- Completes all information on the COE. (A trained school administrator or a designee reviews and signs the COE upon the recruiter's return to the school campus.)
- Reviews the COE(s) for completeness and accuracy while still at the site.
- Obtains the parent/guardian signature.
- Answers questions when asked or makes a note of the questions and indicates that the answers will be provided promptly.
- Asks the family about other families who might have come to the area to work in qualifying activities.
- Tells the parents that the district will now decide what educational needs the child has and what services will be provided.
- Tells the parents about the PAC.
- Gives the parents the pink copy(ies) of the COE(s) and thanks them for their time and information.

The regulations require the state and its operating agencies to implement procedures to verify the accuracy of information used to establish child eligibility. The regulatory requirements state:

> "In determining the eligibility of a child, an SEA and its operating agency may seek and obtain credible information from any source, including that provided by the child or his or her parent or guardian. Neither the SEA nor its operating agency is required to obtain documentary proof of either the child's eligibility of civil status from the child or his of her parent or guardian. However, the SEA and its operating agency are responsible for implementing procedures that ensure the correctness of the information on which the SEA or the operating agency relies." 34 CFR 201.30(b)

"Credible" is information that is worthy of belief from a person that has knowledge of the information conveyed. Credible information can also be obtained from any reliable person with knowledge of the facts that bear on eligibility and from sources such as a child's school records. Since the regulations state that the state is responsible for ". . . implementing procedures that ensure the correctness of the information . . .," care must be taken to assure that the most credible sources of information are used in determining child eligibility.

In identifying a child, recruiters should rely on credible information furnished by a parent or guardian, if possible. The nature of the information required for an eligibility determination is such that a parent or guardian is likely to be in the best position to know all of the information required, in the detail and specificity needed for full and incontestable documentation.

EXTENSIVE PROBING SHOULD BE AVOIDED EXCEPT IN DIFFICULT SITUATIONS.

SUPERVISON OF RECRUITERS

Dual responsibility for supervising recruiters is unique to the MEP. Recruiters are hired by local school districts or by service centers. These agencies have supervision responsibilities over recruiters; however, the state always maintains a degree of supervision. The state supervisory role is carried out through training sessions and during monitoring of school districts and service centers.

Law dictates that the state operates the MEP. The state is obligated to identify and recruit migrant students within its boundaries. To accomplish this, the state funds school districts and service centers to employ recruiters and holds all parties accountable for accuracy in the identification and recruitment process. The Federal government can hold the state accountable for the quality of the identification and recruitment process made by its school districts and service centers. Ultimately, this responsibility has to be met by the individual recruiter.

Day-to-day supervision of the recruiter is carried out at the local and service center levels. The state communicates to the service centers and to the school districts the exact standards for identification and recruitment and the expected relationship between local, service center, and state responsibilities. Disagreements or misunderstandings between the state, service center, and local staff are quickly resolved so that recruiters always receive clear messages from their immediate employers at the local level.

Federal law and Agency guidelines for the MEP must be completely and continuously followed. Failure to do so could cause an audit exception to the district during a state audit review.

A successful supervisor maintains a balance of involvement. The supervisor does not need to become so involved as to be doing the work of the recruiter. The supervisor should be ever vigilant that the recruiter maintains a realistic schedule and completes tasks when they are due. A recruiter needs to know that the supervisor cares about his/her work and understands enough about it to be of assistance when it is needed.

Some qualities of a good supervisor are:

- Likes working with people
- Accepts other cultures
- Requires mandatory training of all recruiters prior to recruitment
- Relates to other professionals
- Is well organized
- Is visible and respected in the community
- Is trusted by employees
- Demonstrates empathy
- Comes across as genuine

- Supports the recruiters
- Builds employee's confidence
- Promotes and supports training
- Is an advocate for migrant families
- Fills gaps in a recruiter's skills
- Uses positive ways to educate recruiters
- Has an open-door policy
- Is always there to answer a recruiter's questions
- Has a working relationship with the agricultural and/or fishing community

A Successful Supervisor Maintains A Balance of Involvement.

PRE/POST ASSESSMENT

Pre-assessment may be conducted in different manners other than strictly adhering to a paper and pencil test. The trainer's awareness of the audience's level of knowledge will play an important role in how training is to be tailored for maximum effectiveness.

Note: Refer to page 55 under the section, "Required Components" for further explanation on pre-assessment.

A post assessment will provide the trainers with an indicator of how well the information they presented was learned. A large percentage of recruiters missing a large number of questions should alert the trainers to the need to revise the method of presentation and to offer follow-up training. The content offered in training sessions is required; however, techniques and methodologies can be varied to create interest and enhance learning.

Unless notified by the Agency, trainers will annually continue to use the Assessment instrument in this manual. The test may be modified to include no less than 25 items. The test items should focus on challenging questions or situations that have arisen from previous training sessions or discussions.

Note: Trainers should be thoroughly familiar with the assessment questions in order to ensure that they are all addressed during training. New concepts and vocabulary should always be dealt with. All assessment questions are either directly answered or can be inferred within the content of this manual.

IDENTIFICATION AND RECRUITMENT COMPETENCIES

TEST INSTRUCTIONS

If the grading is to be done by machine, participants are not to write on the test sheets. Number two pencils should be used.

TRUE OR FALSE:

1. Soil preparation and irrigation are **not** considered to be agricultural activities.
2. "Initial commercial sale" sometimes means the first sale of the agricultural or fishing product after the first processing stop.
3. Any activity beyond the first processing stop is an ineligible qualifying activity.
4. The Federal regulation states that a "formerly migratory child" means a child who was eligible to be counted and served as a currently migratory child within the past five years, but is not now a currently migratory child; and has the concurrence of his or her parent or guardian to continue to be considered a migratory child.
5. Children of refugees are **not** eligible, although their families have been involved in agriculture in their home country and have had to relocate in the United States for political reasons. (Note: This statement refers to the initial move into the U.S.)
6. Workers involved in the processing of forest products, which includes mill yard workers who unload logs from vehicles at the mill site and initially process them, are eligible in the "agricultural activity" definition.
7. "Migratory children" means children who qualify under either the definition of "currently migratory child" or "formerly migratory child."
8. "Guardian" can mean a person standing in the place of a parent to a child and does **not** have to meet a legal definition.
9. "Principal means of personal subsistence" in regards to the "fishing activity" definition means that the migratory worker must haul the fish to the processing plant in order for this to be a qualifying activity.
10. "The Family Educational Rights and Privacy Act" provides each family the right to access their student's records and provides that the privacy of such records is protected.
11. In order to qualify for migrant program services, the family must be citizens of the United States.
12. A seasonal activity is generated only by a crop cycle.
13. Employment in a florist shop is **not** considered an agricultural activity.
14. A person's spouse can be that person's guardian.
15. The only instance in which processing is **not** included as a qualifying activity is when it occurs after the cultivation and harvesting of trees.
16. The Migrant Education Program (MEP) must be supplemental to the foundation program.

17. Fish farms are considered to be an agricultural activity.
18. Horticultural crops, such as the cutting of timber, are considered to be qualifying.
19. Farm or ranch activities must be related **only** to the production of livestock for human consumption.
20. A one-time signature of a parent on the Texas COE suffices for program participation by a child classified as a status 3 for the entire period of settled-out (formerly) eligibility.
21. In difficult cases a recruiter should probe for additional information or clarification.
22. The recruiter's job in establishing the eligibility of children for the MEP is **not** complete until the eligibility determination has been documented.
23. All conditions of the Federal definitions must be met in order for a family to qualify for program services.
24. A child's statement regarding eligibility is **not** considered to be a credible source of information.
25. A tally clerk in the lettuce field who records each worker's production and who meets all qualifying criteria is engaged in a qualifying activity.
26. A recruiter's principal mission is to determine and certify the eligibility of children.
27. Eligibility determinations are made on a series of required factors, **all** of which must be present for eligibility to exist.
28. Eligibility is **not** based on an agricultural or fishing activity being temporary or seasonal.
29. The recruiter must establish who is/was engaged in a qualifying agricultural or fishing activity.
30. Parents can mean natural parents, step-parents, or parents through adoption.
31. Daily commuting does **not** constitute a qualifying migration.
32. Moves to destinations outside of the United States or its territories and possessions can be counted as qualifying moves.
33. When the parent moves first and is joined by the child within 12 months, the date of the parent's move establishes the QAD.
34. Every recruiter must receive annual training. Before engaging in any recruitment, a recruiter must be trained.
35. A child whose migration precedes a qualifying migration by parents or guardians becomes eligible on the date of his/her move.
36. "To enable. . . .to obtain" refers to a migration made in order to secure temporary or seasonal employment, whether or **not** the employment is actually secured.
37. "Members of the child's immediate family" means a relative, such as the child's brother, sister, or grandparent.
38. "Agricultural activity" means "any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence; any activity directly related to the cultivation or harvesting of trees; or any activity directly related to fish farms."

39. Each move made by a migrant child without the parent/guardian must be made within 365 days of the last qualifying arrival date in order for the child to retain the status of currently migratory.

40. It is important for school personnel to be able to ask questions using a systematic interview technique.

41. If a child moves to join a parent or guardian who moved to obtain a temporary or seasonal job in agriculture or fishing, the child is **not** eligible.

42. A child's brother can be considered a guardian to a child.

43. Temporary activities have an approximate beginning and an approximate ending date.

44. If a single move is just for a few days (i.e., 1-3), the state recommends that the child **not** be considered eligible.

45. It is the state's obligation to provide guidance in determining eligibility in difficult cases.

46. All school districts in the state operate a migrant program.

47. An error rate of five percent (5%) or more in accuracy or completeness or timelines of COEs sent to the service center requires a call or visit to the district.

48. The document used by the Agency to record information on eligibility is called the Certificate of Eligibility.

49. Enrolling a non migrant into a migrant program is legal.

50. In order for the Migrant Student Record Transfer System to work, only data entry specialists must care, cooperate, and work with it.

QUALITY CONTROL

BEST COPY AVAILABLE

QUALITY CONTROL

A system of quality control involves a cooperative working relationship between and among all of the agencies involved. In Texas, the system involves the state Agency, the 20 education service centers, and the local school districts. Each agency fulfills a unique role and has specific responsibilities to make the system work.

The requirements of staff which contribute to the system of quality control are the following:

- Training in the amount and on the components required
- An understanding of the MSRTS
- Complete understanding of the MSRTS component activities
- Knowledge of the monitoring process by staff in each of their agencies
- Knowledge of and adherence to the maintenance of auditable files

TRAINING

MANDATE

The Agency shall conduct a comprehensive training program for all service center staff who are involved in migrant education. Regular training sessions will be prescheduled annually for August, November, and April.

Service center and Agency staff shall train school district recruiters in each region annually prior to recruitment and to September 1 and the beginning of the academic school year. Other personnel, including administrators, teachers, counselors, nurses, teacher aides, community aides, community clerks, and Migrant Student Record Transfer System (MSRTS) clerks, who are involved in some way in initial eligibility determinations and in verification and/or validation of those determinations, shall be trained by September 30. Agency staff will observe the training of recruiters at 10 service centers each year to ensure that it meets the required components. Observations will be scheduled so that every service center training is monitored at least once every two years.

REQUIRED COMPONENTS

To plan training for recruiters, district and/or service center trainers must be aware prior to training of the level of knowledge within the group. Knowing this will provide the information necessary to determine the teaching approach and the grouping techniques which will be most appropriate.

It may be that first-year and other recently employed recruiters need in-depth training in one, several, or all areas. Veteran recruiters, although not excused from annual training, may need more in-depth training on migrant program changes and could actually serve as peer tutors or group leaders in training for the recently employed recruiters.

The training program must consist of the components listed below. Training sessions for identification and recruitment shall range from 3 to 5 hours (excluding lunch and breaks) based on the experience of the participants and the group size. Justification for length of training shall be documented. Additionally, in order to enhance learning and interaction, group sizes shall be no larger than 50 participants per trainer. Pre and post assessment shall be conducted. See pages 49-52.

1. Migrant Education Program (MEP) Overview shall include:

    - History and purpose of the program in serving migrant students
    - MEP areas of focus
        - Identification and Recruitment
        - The Migrant Student Record Transfer System
        - Coordination of services to migrant students
        - Early education
        - Graduation enhancement
        - Secondary credit exchange and accrual

2. Identification and Recruitment

    - The purpose and importance of identification and recruitment
    - Detailed review of Federal regulations on migrant child eligibility, eligibility case studies, and detailed review of Agency policies and guidelines for the MEP
    - Detailed review of the Certificate of Eligibility (COE) for complete understanding, procedures for verifying the accuracy and completeness of data recorded on the COE, and requirements for filing and maintaining COEs
    - Procedures for enrolling students into MSRTS, including procedures for COE transmittal, mass enrollment, and residency verification
    - Procedures for conducting parent interviews, including communication skills and cultural awareness
    - Strategies for locating potentially eligible migrant children (enrolled and not nonenrolled in school) and coordination with other community agencies who may come into contact with migrant families

3. The Migrant Student Record Transfer System—This component may be presented in conjunction with the Migrant Education Program Overview and Identification and Recruitment components or be presented no later than September 30. See page 62 for MSRTS Component Activities.

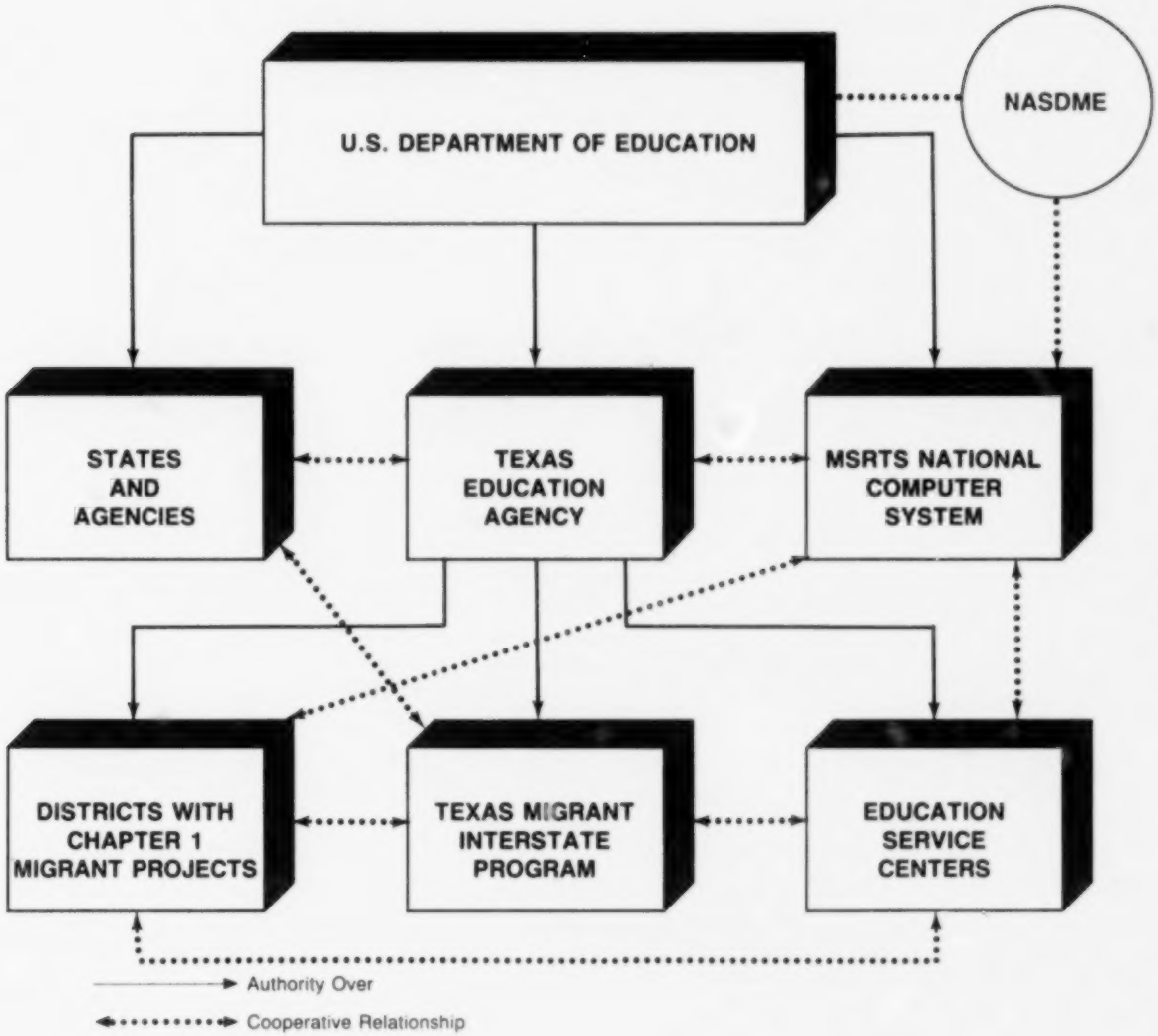
   - History and purpose of the MSRTS in serving migrant children
   - Overview of school district required MSRTS activities and implementation guidelines, including:
     - Priorities and procedures for submitting enrollment, education, health, and withdrawal data to the MSRTS data bank via the service center terminal site
     - Requirements for filing and keeping records and procedures for completing logs to document MSRTS data
     - Strategies for assessing the effectiveness of the implementation of the required MSRTS activities
   - Role of the service center terminal site and service center data entry specialist
   - Procedures for removing misidentified migrant students from the MSRTS data bank
   - Overview of applicable MSRTS management reports
   - Uses of MSRTS data by school personnel (teachers, counselors, registrars, nurses, etc.)

Refresher training sessions to remind staff about requirements and timelines will be encouraged.

Ongoing technical assistance will be provided by service center staff as a result of school district staff requests and periodic reviews of incoming MSRTS data.

Adequate and Timely Training is the Foundation for a Recruiter.

MIGRANT STUDENT RECORD TRANSFER SYSTEM (MSRTS)



THE MSRTS FUNCTION RELATIONSHIPS

Under Chapter 1 of the Elementary and Secondary Education Act of 1965, as amended, the U.S. Department of Education (USDE) has administrative authority to fund and monitor the migrant education program. The Department's authority extends to the Texas Education Agency, other states, and the MSRTS Center in Little Rock, Arkansas.

The Agency applies for and obtains Federal funding for the State of Texas. The Agency establishes rules, regulations, and guidelines; sets performance criteria; and monitors the entities within the state.

The Agency evaluates districts, service centers, the Migrant Program Development Center in Kingsville, and the Texas Migrant Interstate Program in the Pharr-San Juan-Alamo Independent School District. Training and technical assistance are also provided to all of the above. A cooperative working relationship exists between the Agency and other states and agencies and the MSRTS Center. The relationship between the Agency and other states promotes the exchange of ideas which result in improvements in the MSRTS.

The MSRTS Center transmits data to and from all of the states and territories. The Center designs and maintains a computer system to transfer data between projects and to store it. Reports for use by the states and the USDE are prepared at the Center. The Center provides training and technical assistance and works cooperatively with school districts and service centers.

Districts with Chapter 1 Migrant Projects identify, recruit, and enroll children into the MSRTS system. This allows migrant students to be provided with academic and support services. Student records are used for planning purposes and kept current and available for audit purposes. Additionally, districts work cooperatively with education service centers, the Texas Migrant Interstate Program, the Migrant Program Development Center, and MSRTS.

Education service centers receive and screen data from school districts and forward it to the MSRTS Center in Little Rock, Arkansas. They identify and recruit children in cooperative project districts and in nonproject districts and store their data for audit purposes. The Centers provide technical assistance and staff development to districts and work cooperatively with the Texas Migrant Interstate Program and the Migrant Program Development Center.

The Texas Migrant Interstate Program provides technical assistance on secondary credit accrual to school districts and service centers. Other states and agencies exchange ideas with the Program staff.

QUALITY CONTROL IN PROJECT DISTRICTS AND COOPERATIVES

Identification and recruitment in project districts and in service center cooperatives must follow a very definite and continuous process:

- All initial entries on the COE **must be made by a recruiter who has received all of the required training.** The service centers will not accept COEs signed by recruiters who have not received all of the required training. The recruiter may be employed by the district or by the service center and may be a teacher, aide, clerk, etc., who has been assigned the task of locating migrant children and certifying their eligibility to receive migrant educational and other related services. All entries on the COE must be concise and understandable to those not familiar with the agricultural or fishing activity entry. After all entries are made on the COE, the recruiter must sign it, certifying the eligibility of the child named on it.
- The recruiter maintains a daily MSRTS log. (See forms in the Appendix.) The recruiter's supervisor periodically reviews the accuracy of the log entries.
- The school district superintendent or the designee reviews the initial entries made on the COE by the recruiter. He/she questions, corrects, and/or modifies and then certifies each COE by signing it.
- The COE is forwarded to the service center.

- The service center enters, or corrects and enters, information into the MSRTS, does follow-up training for recruiters and others in migrant education, and deletes ineligible children.
- The service center provides third party verification and validation for accuracy, sufficiency, validity, and reliability by sampling COEs. (For sampling size, see page 67). Staff may examine school records and recruiter logs, review MSRTS records, interview employers, and/or re-interview parents.

QUALITY CONTROL IN SERVICE CENTERS

Internal controls and processes shall result in a quality control system at the service centers and between them and the Agency.

- Technical assistance will be requested by the school districts on difficult or novel cases prior to their sending COEs to the service center.
- Staff at the service center must log all incoming mail from school districts.
- There is a required two-day turnaround from the date of receipt by the service center.
- Data entry specialists must review all information prior to entry. (In service centers with large projects, specialists may be assigned specific school districts. Team work should be used when appropriate and necessary.)
- Incorrect information is to be returned to the district for correction(s) unless the information can be obtained by phone.
- Correct data, including partially correct data on forms being held for corrections, is to be entered by the data entry specialist.
- The computer adds a dimension to quality control by rejecting some incorrect entries.
- Data entry specialists stamp work with the date when it was done.
- Information, not previously entered on forms returned to districts for corrections, is to be recorded and entered when it is corrected and received.
- Data must be transmitted to Little Rock.
- Upon requests districts will receive MSRTS forms from Little Rock reflecting the information transmitted.
- Service centers are to issue monthly school district reports to the Agency.
- Monthly reports surface five percent (5%) error rate in accuracy, completeness, and timeliness.
- Five percent (5%) error rate requires a call or visit to the district by the service center to offer or provide technical assistance and/or additional training.
- Errors are compiled to form a base for retraining.

Note: Five percent (5%) error is computed based on the number of COEs with errors which are received at one time. One or more errors on one COE equal one error.

MONITORING

The *Implementation Guidelines for School District Required Migrant Student Record Transfer System (MSRTS) Component Activities*, 1991 (*Guidelines*) manual is the source for how all MSRTS requirements are to be met in Texas. Adherence to it and to this manual assures adherence to Federal regulations and Agency policies. The *Guidelines* manual details the processes which may be followed to carry out the required MSRTS activities within the specific timelines for them. Most of the activities for identification and recruitment are found on pages 8-14. The chart on the following page depicts the processes described in the *Guidelines* manual. The requirements must be completed as charted without exception. The processes may be modified at the option of the individual districts.

Quality control in identification and recruitment is the responsibility of the Agency. The Agency is held responsible for assuring that each child enrolled is eligible to be counted and to receive services in the MEP. School districts must use procedures which ensure correctness in the identification and recruitment process. State monitoring of these procedures is required by the program regulations.

1991-92
REQUIRED SCHOOL DISTRICT MSRTS COMPONENT ACTIVITIES

REQUIRED MSRTS ACTIVITY	AFFECTED STAFF/STUDENTS (grade/age)	TIME REQUIREMENTS (working days)	REQUIRED DOCUMENTS, TOPICS, DATA AND COMMENTS
I. LEA MSRTS Inservice			
A. Identification/Recruitment Component	Identification/Recruitment Staff	Before September 1 and as needed	Eligibility criteria; COE completion; MSRTS enrollment procedures; Interview techniques; Federal laws and Agency guidelines on ID/R
B. MSRTS Component	MSRTS Staff	Before September 30 and as needed	LEA MSRTS Component and overview of topics listed above
C. ID/R and MSRTS Overview	All Migrant administrators and staff assigned Migrant activities	Before September 30 and as needed	Overview of all topics listed above
II. Recruitment and MSRTS Enrollment			Accuracy and effectiveness are important!
A. Residency Verification/ Mass Enrollment	Previously Identified (0-21)	As soon as completed, no later than October 1	Verify continued residency using latest COE for all having eligibility during calendar year; verify Mass Enrollment report, submit to ESC
B. New Qualifying Arrival Date Newly Identified	New QAD/Newly Identified (0-21)	All year; recruit as many as possible by December 1. Submit COE 10 days after COE signature date	Complete new COE for enrollees and non-enrollees (through 21 years) to ensure identification of all students and dropouts
III. Records Distribution	Grades EE-12 (EE = 3 years of age)	2 days after receipt	Review for accuracy and medical alerts before distribution
IV. Updating MSRTS Records			REQUIRED IF STUDENT IS ENROLLED 10 OR MORE SCHOOL DAYS
A. TAAS	Grades 3-12	Updates due 10 days after receipt of MSRTS exception report	Results of October TAAS will be reported electronically Results of exit level test given in April must be reported manually
B. Language for Instruction	Grades EE-PK (served) Grades K-12	March 31 Updates due 10 days after receipt of MSRTS exception report	Report language and assessment date for EE-PK (served) Language will be reported electronically for grades K-12
C. Supplemental Programs	Grades EE-PK (served) Grades K-12	March 31 Updates due 10 days after receipt of MSRTS exception report	Report students participating in any supplemental programs/services for EE-PK (served). Supplemental Programs will be reported electronically for grades K-12
D. Special Education Contact Data	Grades EE-12	Updates due 10 days after receipt of MSRTS Special Education list	Students needing and/or receiving Special Education services will be reported electronically
E. Graduations (and other terminations)	Any age	10 days after notification	Report graduates, deaths, GED's, dropouts, or non-migrant as per parental request
F. Secondary Credit 1. Student Academic Progress	Grades 9-12	10 days after receipt of MSRTS list	Report "Y" if student is accruing credits satisfactorily toward graduation according to 4 yr. plan. Report "N" if not accruing credits satisfactorily
2. Previous Years' Coursework	Grades 10-12 Currentlys*	During first semester of enrollment	Required if still unreported, especially for newly identified currentlys
3. Fall Sem. Coursework	Grades 7-12 currentlys*	March 1	Include Designated H.S. of Graduation, if unreported
4. Spring Semester Schedule	Grades 7-12 Currentlys*	March 1	Report with fall semester coursework
5. Recommended Courses	Grades 7-12 Currentlys*	April 30	Required if MSRTS Record shows any out-of-district/state enrollment Report for summer and/or fall semesters
6. Spring Semester Grades	Grades 7-12 Currentlys*	10 days after semester ends	If any spring courses are failed, adjust recommended summer and/or fall schedules accordingly
7. Credit Consolidation	Grades 9-12 Currentlys*	Upon enrollment or 10 days after semester ends	Review of partial work on MSRTS Educational Record required. Reporting consolidated credit is required if official credit is granted
G. Health	Grades EE-PK (Served) Currentlys* Grades K-12 Currentlys*	March 31	Report TX required immunizations, screenings, any life-threatening conditions and Migrant-funded services
V. MSRTS/MASS Withdrawal			Timeliness is important!
A. During School Year (Early Withdrawal)	Grades EE-12	2 days after withdrawal	Report all required health/educational updates along with withdrawal date and days enrolled/days present
B. End of School Year (Mass Withdrawal)	Grades EE-6 Grades 7-12	5 days after withdrawal 10 days after withdrawal	Report any health/educational updates not already reported along with withdrawal date and days enrolled/days present
VI. Eligibility Verification	Sample	December 1	Remove misidentified students from MSRTS by December 31
VII. MSRTS Files	All	Filing continuously	Active/inactive, in alphabetical order. Keep 7 years from end of eligibility date
VIII. MSRTS Logs	Staff assigned MSRTS	Maintained continuously	Document MSRTS Component activities
IX. Summer School	Grades EE-12	10 days after withdrawal	Report all SH data for ALL students enrolled in Migrant and non-Migrant programs; report updates for currentlys only
X. Component Assessment	Designated Staff	Periodically	Review all required MSRTS activities

*Report data for formerlys who withdraw during the school year (within 2 days of withdrawal)

DISTRICT SELF-MONITORING

One of the purposes for the Agency's monitoring the identification and recruitment activities is to determine the credibility of the information recorded on the COE. A critical self-examination of the COE will assist the school districts in their efforts to be error-free in recording that information which is vital to the accurate determination of child eligibility. It will also help the districts to prepare for a state or federal audit of the program. The best safeguard against eligibility audit exceptions is to follow the Federal regulations and the guidance received from the Agency.

The district's self-monitoring is accomplished by the process described on pages 8-9 and 61-62. Each person who signs the COE provides a check of the contents. The recruiter must use all information available to make the initial eligibility decisions. Self-monitoring should be continuous yet less formal than service center, Agency, or Federal monitoring.

The ultimate goal in monitoring is to improve the operation of the projects and maintain a high degree of accountability. In their self-monitoring operations, the districts may use the monitoring checklist developed by the Agency and sent to them 30 days prior to a regularly scheduled monitoring visit. The checklist is also available upon request.

AGENCY MONITORING OF SCHOOL DISTRICTS/CORRECTIVE ACTIONS

The primary purpose for conducting monitoring visits is to help districts verify their compliance with appropriate state and federal rules and regulations and to assist them in reaching compliance if they are not. (See Service Center Monitoring of School Districts on the next page.)

The Agency will schedule compliance monitoring visits to district projects on a routine basis once every five years. (Accreditation visits will be scheduled the year following a compliance visit and uncorrected program discrepancies, which can cause a district's accreditation status to be lowered or removed, shall be cited.) During the compliance monitoring of a project, Agency personnel will visit the site(s) where records of the migratory children are maintained. District personnel will have a clear understanding ahead of time of what to expect of the Agency monitor(s). Specific criteria will be established in advance, and the monitoring form, mailed to the district 30 days prior to the visit, will clearly indicate the items and activities which are to be checked. The policies and procedures will be uniform so that district personnel will know what is to be reported, when the information is to be reported, who will be responsible for collecting and recording information on identification and recruitment, and what shall constitute complete and accurate data.

Because of the complex and technical nature of the identification and recruitment function, the monitoring of the activity will be systematic and detailed. The following shall be used to assure an effective monitoring visit:

- Administrative support for the monitoring function will be requested.
- On the first day of a monitoring visit, the administration will be told the purpose, procedures, and schedules of the visit.
- Staff, trained in the use of the monitoring instrument, procedures for on-site monitoring, and interpretation of data recorded on the COE, will conduct the monitoring.
- The monitoring instrument, with instructions, will be based on Agency criteria. It will list all com-

pliance areas that are to be monitored, authority references, probes, questions and documentation to be reviewed, and documents that will be collected.

Staff shall use the standard comprehensive compliance monitoring instrument used to monitor the Compensatory, Bilingual, ESL, and Migrant Programs. Items to deal specifically with migrant identification and recruitment shall be included in the instrument.

The monitors will examine training of migrant personnel which shall have included recruiters and may have included others, such as administrators, clerks, counselors, and teachers. Required documentation on training topics, dealing with eligibility criteria, the COE, MSRTS component, interview techniques, Federal law, regulations, and Agency guidelines will be reviewed. Adherence to required initial training prior to September 1 will be noted.

School district recruitment procedures will be expected to have been appropriate and to have resulted in the enrollment in the MSRTS by December 1 of all qualified migrant children (enrollees and non-enrollees) with a residency date prior to December 1.

Monitors will review the district's MSRTS Daily Log. (See log form in Appendix.)

Withdrawals shall have occurred within two working days for currently or formerly migrant students. Termination records will be reviewed to determine timely activity.

Staff will examine a minimum of 50 COEs (or 10 percent of the total, if there are fewer than 500 migrant students) for signatures, qualified moves, clarity, and completeness.

The files will be reviewed to see if they have been maintained as follows: active/inactive, currently/formerly, and alphabetically by last name/by student.

- The monitors will analyze and summarize the findings of the monitoring visit.
- A determination of the error rate will be made.
- A formal comprehensive written report to the district shall include:
  - a summary of the findings; and
  - required corrective actions, recommended actions, and timelines, usually within 60 days, for the district to respond in writing to the Agency.

Note: Depending on the gravity of the error rate in excess of five percent (5%), the Agency may mandate additional training and assign recruiters to validate all migrant children on file.

SERVICE CENTER MONITORING OF SCHOOL DISTRICTS/CORRECTIVE ACTIONS

Oversight of school district identification and recruitment processes carried out by service center staff shall begin with the training program. Recruiters must attend the required training. New and veteran recruiters shall receive training commensurate with their level of knowledge.

When the COE(s) is forwarded to the service center, a quality check occurs. When necessary, the staff must correct information by telephone or by requesting written corrections. When a five percent

error rate of accuracy, timeliness, and completeness is reached by a district, the service center must offer technical assistance on a timely basis by phone, on-site, and/or by conducting follow-up training for the district staff requiring it.

Additionally, service center staff members are to conduct annual eligibility verifications for accuracy and completeness. If problems surface, other information, such as school records, is to be looked at. The eligibility verification process is explained on page 34 of the *Guidelines* manual and in this section of this manual. The process must be carefully followed by the staff. All documentation must be kept on file and made available to auditors. Charts for completion of verifications and validations are found in the Appendix.

The purpose of the eligibility verification process conducted annually by December 1 by the fiscal agent is to ensure that only eligible currently and formerly migrant children are enrolled into the MSRTS. In independent project districts, the service center will provide assistance. The service center, as the fiscal agent, is legally responsible for conducting the process in cooperative member and nonproject districts.

The process requires the careful and systematic review of COEs to determine the accuracy and completeness of recorded information and to ensure the specificity and legitimacy of the last qualifying move dates and qualifying agricultural or fishing activity. Evidence of potential discrepancies requires a look at other sources and, as a last resort, a follow-up eligibility validation visit by the recruiter with the parent/guardian.

The following procedures describe the steps to be taken in the eligibility verification process:

- At the beginning of the school year, the district will be contacted by service center staff to jointly determine a verification schedule to conduct the review process.
- Once the schedule has been determined, the service center and the district together will randomly select a sample of children whose COEs are to be verified. Those eligible to be included in the student sample must be:
  - all currently identified to date and
  - all formerlys identified to date whose eligibility has not been verified or validated within the past five years

  The table below indicates the sample size based on the total number of eligible children:

  All children in the migrant program in a school district will be listed alphabetically. Names will be pulled for the sample based on the sample size in this manner. Ex. If the total number of children to be verified equals 1000, that number will be divided by 80, the sample size, and the quotient (12) will be used. Every twelfth name will be pulled until 80 are pulled.

Number of Children Eligible for Verification	Number of Children in Sample
10 or less	All
11 - 99	10
100 - 499	30
500 - 999	50
1,000 - 2,499	80
2,500 - 4,999	90
5,000 or more	100

It is possible for more than one child in a family to be selected in a random sample; however, it is unlikely that a random sample will include many children from the same family unless the district has a very small eligible population. Siblings of a child selected in the sample must not be counted as part of the sample unless they were randomly selected.

- The COE for each student in the sample shall be carefully and completely reviewed by knowledgeable representatives from both the service center and the district. The following questions should be answered through the review process:
  - Is every space on the COE completed, including the signatures of the parent/guardian and superintendent (or designee)?
  - Is the qualifying activity specifically described? Is it a temporary or seasonal type of employment related to fishing or agriculture?
  - Is the last qualifying arrival date before or the same as the date of arrival in the district (residency date)?
  - Are adequate narrative explanations provided in cases in which it is necessary?
- If any apparent discrepancies exist in any of the COEs, the recruiter is asked to look at other sources, such as school records. Follow-up validation visits must be made by the recruiter if other sources do not provide the information needed. If the verification process results in an error rate of five percent or more, an additional sample, equal in size to the first, must be examined. If the error rate continues to be five percent or more, all COEs must be verified.
- Once the review process is complete, the district shall document and retain on file the following:
  - A completed "Summary of Eligibility Verifications" (See Appendix);
  - Copies or a list of COEs verified;
  - If applicable, copies of the completed "Parent/Guardian Questionnaire" (See Appendix);
  - If applicable, a completed "Summary of Eligibility Validations" (See Appendix);
  - If applicable, copies of any COEs validated; and
  - If applicable, copies of any district correspondence to the service center requesting the deletion of ineligible children from the MSRTS.

Validation is required and, only as a last resort after all other credible sources checked do not yield the necessary information, the recruiter who signed a COE in question or another recruiter should be contacted to validate (reinterview). The following procedures describe the steps to be taken in the eligibility validation process:

- The fiscal agent will determine a schedule for conducting visits with the parents/guardians of children whose COEs contain questionable data (as determined through the eligibility verification process).
- Appointments with the migrant parents/guardians to be visited shall be scheduled by the fiscal agent.
- A fiscal agent recruiter shall conduct the validation interview. It may be conducted at the home of the parent/guardian or at a location that is mutually agreeable (e.g., the child's school). The privacy of the interview shall be safeguarded and the congregating of groups shall be avoided.
- During the interview with the parent/guardian, the "Parent/Guardian Questionnaire" (See Appendix) shall be completed. When possible, the person who signed the most recent COE should be interviewed. If not, someone knowledgeable about the information must be interviewed.
- If it appears, as a result of the interview, that the information recorded on the COE was not obtained from a credible source, or is otherwise incorrect, a new COE must be completed to verify the eligibility of the child.

- If the child is found to be ineligible, he/she must be deleted from the MSRTS. (When reported to the Agency, the "Misidentified Student Notification Form" will be submitted to Little Rock.) (See Appendix) The parent must be told by the recruiter that the child is ineligible.
- After all validation interviews are completed, the following documentation shall be on file at the district for the previous school year, as well as for the current school year:
  - A completed "Summary of Eligibility Validations" (See Appendix).
  - Copies of the completed "Parent/Guardian Questionnaire" (See Appendix).
  - Copies of the COEs validated.
  - Copies of any school district correspondence to the service center requesting the MSRTS deletion of any children who, through the validation process, were determined to have been misidentified.

The same validation procedures stated above for project districts apply to cooperative member districts, except that service center staff assume the responsibility stated for the district.

AGENCY MONITORING OF SERVICE CENTERS/CORRECTIVE ACTIONS

Twenty education service centers are located throughout the state and each has the responsibility to serve the geographical area assigned to it. Each area includes a number of school districts in need of assistance on a variety of educational matters. One of these affects the migrant child population within the service center area.

The Agency has the responsibility to monitor the service centers for compliance in all fiscal and program matters. To accomplish this, the Agency schedules a compliance review by a team of monitors for each service center every five years. For the identification and recruitment component, the Agency schedules a compliance review for each service center every two years.

During on-site visits, monitors will use an approved monitoring instrument which shall include: (1) all compliance areas to be monitored; (2) authority references; (3) instructions (probes, questions to be asked, staff to be interviewed, and documentation to be reviewed); (4) documentation to be collected; and (5) audit exceptions found in any area.

A formal comprehensive report to the service center shall be sent within 30 days of the visit and must include:

- A summary of the discrepancies (violations) and areas of concern
- Authority references
- Required corrective actions with recommendations and timeliness of 60 days from date of receipt

Every monitoring session shall include the following probes, each of which must be verifiable or must be listed as an exception to be included in the corrective requirements.

Probe #1—
Has the service center reviewed, documented, and summarized the accuracy, completeness, and timeliness of MSRTS enrollments, education updates, health updates, and withdrawal updates by previewing enrollment, update, and withdrawal information for accuracy, completeness, and timeliness?

Probe #2—
Has the service center reviewed, documented, and summarized the accuracy, completeness, and timeliness of MSRTS enrollments, education updates, health updates, and withdrawal updates by assigning a service center staff member responsibility for receiving and previewing incoming information by: maintaining a daily log identifying each school district, number and type of forms received, and number and type of forms returned to districts; affixing the date when each form was received by the service center; forwarding forms to the chief consultant/coordinator for appropriate action; compiling a weekly summary of incoming data by individual district; and submitting weekly summary data to the chief consultant/coordinator (or other designated person) for review?

Probe #3—
Has the service center reviewed, documented, and summarized the accuracy, completeness, and timeliness of MSRTS enrollments, education updates, health updates, and withdrawal updates by ensuring that the service center chief migrant consultant/coordinator reviews the data summary?

Probe #4—
Has the service center reviewed, documented, and summarized the accuracy, completeness, and timeliness of MSRTS enrollments, education updates, and withdrawal updates by compiling a summary of the incoming data from the prior month for each district, including the number of enrollments for currently and formerly migratory students, the number of educational updates, the number of health updates, the number of withdrawals for currently and formerly migratory students, and the number and type of forms returned?

Probe #5—
Has the service center identified school districts having more than a five percent error in their monthly MSRTS reports, in that the data is incomplete, inaccurate, and/or not delivered in a timely manner?

Probe #6—
Has the service center maintained written documentation to verify that school districts have been notified and offered technical assistance when there exists more than a five percent error in monthly MSRTS records by ensuring that the service center chief migrant consultant/coordinator has made direct contact with districts to determine the type of assistance needed?

Note: If the total data items in any category equal less than 80, four or more errors in any category would constitute a discrepancy. If the total data items are 80 or more, a discrepancy would exist if more than five percent of the items were not accurate, complete, or timely. Categories are COEs, Secondary Credit Accrual, Health Records, etc. If, for example, 4 COEs (data items) have one or more errors on each, each COE is one discrepancy and 4 COEs would constitute a discrepancy if there were a total of less than 80.

Probe #7—
Has the service center maintained written documentation to verify that school districts have been notified and offered technical assistance when there exists more than a five percent error in monthly MSRTS records by ensuring that the service center chief migrant consultant/coordinator has scheduled workshops or on-site visits regarding MSRTS issues as a result of problem areas encountered?

Probe #8—
Has the service center transmitted MSRTS data received within two days of its receipt from school districts?

Probe #9—
Have the service center's MEP data entry specialists performed the following functions as required:

- Typed transactions,
- Resolved reported errors,
- Affixed dates of completed transmittals, and
- Filed completed transactions for each child?

Probe #10—
Has the service center maintained complete and auditable files for nonproject and cooperative member districts?

Probe #11—
Has the service center maintained files of incoming COEs and MSRTS data for project districts in accordance with Federal laws and Agency guidelines (i.e., maintained for current and previous year)?

Probe #12—
Has the service center assisted project school districts in the verification of the accuracy of COEs in accordance with the following table?

Number of Children Eligible for Verification	Number of Children in Sample
10 or less	All
11 - 99	10
100 - 499	30
500 - 999	50
1,000 - 2,499	80
2,500 - 4,999	90
5,000 or more	100

Probe #13—
Has the service center verified accuracy of COEs in nonproject and cooperative schools?

Probe #14—
Has the recruiter conducted validation visits, if applicable?

Probe #15—
Has the service center provided training on required topics, including procedures for verification of COEs, eligibility requirements, definitions, identification and recruitment procedures, and MSRTS procedures, prior to September 1?

Probe #16—
Has the service center identified and recruited all eligible migrant children residing in nonproject districts? If not, which of the nonproject districts is recruitment being conducted in? Which districts that have eligible children are not conducting recruitment?

Probe #17—
Has the service center assessed on an on-going basis the effectiveness of the MSRTS component and, if so, how was the data analyzed?

AUDITABLE FILES*

PROJECT DISTRICT FILES

In project districts, an active file must be maintained by the district for every migrant child identified for the current school year. The file shall include the original of the COE and a copy of each of the most current MSRTS educational and health records. Original COEs are to be filed in alphabetical order by current female parent. Filing options for MSRTS records: (1) educational/health records may be filed separately (from COE) in alphabetical order by students' names or (2) educational/health records may be filed with the original COE. The records may be kept in separate sections for currently and formerly migratory status children. Additionally, an inactive file must be kept for children identified in a previous year. The file shall include the original of the COE and must be retained for seven years from the children's end of eligibility date.

Note: Retention of COE (original) is 13 years from QAD (e.g., QAD of 09/01/91 + 6 years = end of eligibility on 09/01/97. 09/01/97 + 7 years = end of file retention on 09/01/04).

COOPERATIVE PROJECT DISTRICT FILES

In cooperative member districts, an active file must be maintained by the district for every migrant child identified for the current school year. The file shall include the yellow copy or a photocopy of the COE and a copy of each of the most current MSRTS educational and health records. Filing options for MSRTS records: (1) educational/health records may be filed separately (from COE) in alphabetical order by students' names or (2) educational/health records may be filed with the yellow copy or photocopy of the COE. The records may be kept in separate sections for currently and formerly migratory status children. An inactive file must also be kept for children identified in a previous year. The file shall include the yellow copy or a photocopy of the COE and must be retained for seven years from the children's end of eligibility date. (Please see **note** on first paragraph.)

SERVICE CENTER FILES

COOPERATIVE FISCAL AGENT FILES

As a cooperative fiscal agent, the service center must maintain an active file for every migrant child identified for the current school year. The file shall include the original of the COE. An inactive file must also be kept for children identified in a previous year. The file shall include the original COE and must be retained for seven years from the children's end of eligibility date. (Please see **note** on first paragraph.)

NONPROJECT DISTRICT FILES

In nonproject districts, an active file must be maintained by the service center for migrant children identified for the current school year. The file shall include the original COE. An inactive file must be kept for children identified in a previous year. The file shall include the original of the COE and must be retained for seven years from the children's end of eligibility date. (Please see **note** on first paragraph.)

* EDGAR 80.42(b)(4)

PROJECT DISTRICT FILES

For project districts, the service center must maintain an active file for migrant children identified for the current school year. The file shall include the yellow copy of the COE. An inactive file must also be kept for children identified in the previous year. The file shall include the yellow copy of the COE. (Please see **note** on first paragraph page 70.)

Note: Fiscal agents must maintain auditable files for the required periods of time. If an agency is being audited, the auditable files must be kept until the audit is resolved.

OTHER REQUIREMENTS

Copies of forms, other than COEs, must be on file until receipt of notification that the data are accurately reflected on the MSRTS records.

The fiscal agent must ensure that the MSRTS daily log (or some facsimile) reflects the date when data were submitted to the service center.

MSRTS files must be centrally located within the district or service center. All other documents, including the superintendent's letter listing trained designees, MSRTS mass enrollment reports, withdrawal reports, daily logs, etc., are to be filed and available for review for the current school year and the previous school year. Districts may choose to keep additional files such as campus files.

Project districts may change to nonproject districts, or vice versa, from year to year. A district may withdraw as a cooperative in any given year. The fiscal agent is required by law to retain all auditable files for the time periods during which it was the fiscal agent, even if the fiscal agent status changes. When a service center becomes the fiscal agent, files generated by a district in prior years must be retained by that district according to the "inactive file" requirements stated in the section on Project District Files.

APPENDIX

BEST COPY AVAILABLE

APPENDIX

REGULATIONS

The *Federal Register* is a legal document published by the U.S. Department of Education. The one published on April 30, 1985 was amended by the October 23, 1989 *Federal Register*.

Each school district should have a copy of the most current *Federal Register(s)*. When reference to one becomes necessary, the director or supervisor of the local migrant program should be able to obtain a copy from the district's central office, the federal program's office, the service center, or by requesting one from the Office of Migrant Education, U.S. Department of Education, 400 Maryland Avenue S.W., Room 2145, Washington, DC, 20202. Telephone (202) 401-0740.

The most frequently referred to sections by recruiters are those that contain definitions on pages 18410 and 18413 (1985). These pages have been included in this manual for quick reference. They should be used in conjunction with the 1989 *Federal Register*.

federal register

Tuesday
April 30, 1985

Part VIII

Department of Education

Office of Elementary and Secondary Education

34 CFR Parts 200, 201, 203, and 204

Migratory Children and Neglected or Delinquent Children in Institutions, and General Definitions and Administrative, Project, Fiscal, and Due Process Requirements; Financial Assistance to State Educational Agencies; Final Rule

Subpart A—Applying for Chapter 1 Migrant Education Program Funds

General

§ 201.1 Purpose.

The migrant education program, authorized by Section 554(a) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (ECIA) (Chapter 1), is designed to—

(a) Provide financial assistance to State educational agencies (SEAs) to establish or improve programs of education designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers; and

(b) Enable these SEAs to coordinate their migrant education programs and local migrant education projects with similar programs and projects in other States, including the transfer of school records and other information about eligible migratory children.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 552, 20 U.S.C. 3801; Title I, Secs. 141–142, 20 U.S.C. 2761–2762)

§ 201.2 Applicable regulations.

The regulations in this part, 34 CFR Part 204, and 34 CFR 74.62 apply to migrant education programs and projects for which the Secretary provides financial assistance under Chapter 1 pursuant to the formula contained in Section 141 of Title I of Elementary and Secondary Education Act of 1965, as amended (Title I). Regulations for interstate and intrastate coordination program grants are contained in 34 CFR Part 205.

(Secs. 552–558, 20 U.S.C. 3801–3807)

§ 201.3 Definitions for this program.

(a) The definitions in 34 CFR 204.2 apply to the programs and projects covered by this part.

(b) In addition to the definitions referred to in paragraph (a) of this section, the following definitions apply to this Part:

"Agricultural activity" means—

(1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;

(2) Any activity directly related to the cultivation or harvesting of trees; or

(3) Any activity directly related to fish farms.

"Currently migratory child" means a child—

(1) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(2) Who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity. This definition also includes children of migratory fishermen, if those children reside in a school district of more than 18,000 square miles and migrate a distance of 20 miles or more to temporary residences to engage in fishing activity.

"Fishing activity" means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

"Formerly migratory child" means a child who—

(1) Was eligible to be counted and served as a currently migratory child within the past five years, but is not now a currently migratory child;

(2) Resides in the area served by the agency carrying out a Chapter 1 migrant education program or project; and

(3) Has the concurrence of his or her parent or guardian to continue to be considered a migratory child.

"Guardian" means a person who—

(1) Has been appointed to be the legal guardian of a child through formal proceedings in accordance with State law;

(2) An SEA determines would be appointed to be the legal guardian of a child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(3) Is standing in the place of a parent to a child.

"Migratory agricultural worker" means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

"Migratory children" means children who qualify under either the definition of "currently migratory child" or "formerly migratory child" described in this section.

"Migratory fisher" means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in a fishing activity.

"Operating agency" means—

(1) A local educational agency (LEA) to which an SEA makes a subgrant of migrant education program funds;

(2) A public or nonprofit private agency with which an SEA or the Secretary makes an arrangement to carry out a migrant education project; or

(3) An SEA, if the SEA operates the State's migrant education program or projects directly.

(Secs. 552–558, 20 U.S.C. 3801–3807; Title I, Sec. 142(b), 20 U.S.C. 2762(b))

§§ 201.4–201.9 [Reserved]

Applying for a State Grant

§ 201.10 Eligibility of an SEA to participate as a grantee.

(a) An SEA may apply to the Secretary for a grant to operate a State migrant education program directly, through subgrants to LEAs, or through arrangements with public or nonprofit private agencies.

(b) Two or more SEAs may apply jointly for a grant to support a migrant education program that benefits eligible migratory children in those States.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 141(a), 20 U.S.C. 2761(a))

§ 201.11 Documents an SEA must submit to receive a grant.

(a) *SEA assurances.* An SEA that wishes to receive Chapter 1 migrant education program funds under this Part shall have on file with the Secretary assurances that—

(1) Meet the requirements in Section 435(b) (2) and (5) of the General Education Provisions Act (GEPA) as they relate to fiscal control and fund accounting procedures;

(2) Meet the requirements of Section 142(a)(5) of Title I regarding when preschool children may be served; and

(3) Have been properly submitted to the Secretary by the SEA.

(b) *SEA application.* To receive a Chapter 1 migrant education program grant, an SEA shall submit to the Secretary an application to cover a period of not more than three fiscal years, including the first fiscal year for which a grant is made under that application. During subsequent years, the SEA's application must incorporate any updating reports required by § 201.12(b) to assure that the State's program and projects annually comply with the Chapter 1 requirements. The application must be specific and contain

migratory children who are eligible to be served;

(2) The arrangement would result in more efficient and economic administration of the program; or

(3) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(b) *Availability of funds.* The Secretary may use all or part of the total amount of the Chapter 1 migrant education program grant available to the affected SEA—under §§ 201.20 and 201.21—to make one or more special arrangements.

(c) *Notice to the SEA.* The Secretary does not make a special arrangement until after the affected SEA has had reasonable notice and an opportunity for a hearing.

(d) *Obligations of the operating agency.* If the Secretary makes a special arrangement for services through a public or nonprofit private agency, that operating agency shall administer its project in a manner consistent with an SEA's obligations under the regulations in this part.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142(c), 20 U.S.C. 2762(c))

§ 201.25 Amount of a subgrant to an LEA.

An SEA shall determine the amount of a subgrant to an LEA or other agency based on—

(a) The number of children to be served;

(b) The nature, scope, and cost of the proposed project; and

(c) Any other relevant criteria developed by the SEA consistent with the provisions of § 201.31, including the SEA's priorities concerning ages and grade levels of children to be served, areas of the State to be served, and types of services to be provided.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Secs. 141–142, 20 U.S.C. 2761–2762)

§§ 201.26–201.29 [Reserved]

Subpart C—Project Requirements

§ 201.30 Eligibility of a child to participate.

(a) A child may not be counted under § 201.20, or be provided with Chapter 1 migrant education program services, until an SEA or its operating agency has—

(1) Determined that the child is either a currently or formerly migratory child as defined under § 201.3; and

(2) Indicated in writing how the child's eligibility was determined.

(b) In determining the eligibility of a child, an SEA and its operating agency may seek and obtain credible information from any source, including that provided by the child or his or her parent or guardian. Neither the SEA nor its operating agency is required to obtain documentary proof of either the child's eligibility or civil status from the child or his or her parent or guardian. However, the SEA and its operating agency are responsible for implementing procedures that ensure the correctness of the information on which the SEA or the operating agency relies.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 141–142, 20 U.S.C. 2761–2762)

(Approved by the Office of Management and Budget under control number 1810–0520.)

§ 201.31 Service priorities.

(a) An SEA and its operating agencies shall serve eligible migratory children—according to their needs—in the following order:

(1) School-aged currently migratory children.

(2) School-aged formerly migratory children.

(3) Preschool currently migratory children.

(4) Preschool formerly migratory children.

(b) If in order to provide Chapter 1 instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than Chapter 1 funds—are available for that purpose, an SEA or an operating agency may provide Chapter 1 instructional services instead of day care services to those preschool children as if those children had a priority higher than school-aged formerly migratory children.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142 (a) and (b), 20 U.S.C. 2762 (a) and (b))

§ 201.32 Annual needs assessment.

An SEA and its operating agencies that receive Chapter 1 migrant education program funds shall base their Chapter 1 migrant education program and projects on an annual assessment of educational needs that—

(a) Identifies migratory children who are eligible to be served under § 201.20(a);

(b) Requires, consistent with the service priorities in § 201.31, the selection of those migratory children in the greatest need of special assistance; and

(c) Determines the educational needs of the children selected to participate with sufficient specificity to ensure concentration on those needs.

(Sec. 555, 20 U.S.C. 3804; Sec. 556(b)(2), 20 U.S.C. 3805(b)(2); Title I, Sec. 142(a), 20 U.S.C. 2762(a))

§ 201.33 Special allowable costs for migrant programs.

In addition to the allowable costs for all Chapter 1 programs described in 34 CFR Part 204, the SEA may use funds available under § 201.20 (amount available for an SEA grant) to pay for necessary administrative functions that are unique to the State's Chapter 1 migrant education program as long as those functions resulted from the SEA's dual role of administering the program and providing program services.

(Sec. 544(a), 20 U.S.C. 3803(a); Sec. 555(c), 20 U.S.C. 3804(c); Sec. 556(b)(2), 20 U.S.C. 3805(b)(2); Sec. 556(b)(3), 20 U.S.C. 3805(b)(3); Title I, Sec. 141, 20 U.S.C. 2761)

§ 201.34 Coordination with other migrant programs and projects.

An SEA and its operating agencies shall plan and operate the activities described in their applications in coordination with migrant programs and projects of other groups or agencies that provide services to migrants in the area served by the SEA and its operating agencies, including migrant and seasonal farmworker projects administered under Section 402 of the Job Training Partnership Act of 1982 and under the Community Services Block Grant Act of 1981.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142, 20 U.S.C. 2762, 29 U.S.C. 1592; 45 U.S.C. 9912)

§ 201.35 Requirements for parent involvement.

(a) *General.* An agency that receives Chapter 1 funds shall design and implement its Chapter 1 program or projects in consultation with teachers of children being served and in consultation with the parents of the children being served.

(b) *Requirements for an operating agency advisory council.* An SEA shall require each operating agency to—

(1) Establish and consult with a parent advisory council; and

(2) Solicit actively parental involvement in the planning, operation, and evaluation of its projects.

(c) *Requirements for the State advisory council.* An SEA shall—

(1) Establish and consult with a parent advisory council; and

(2) Solicit actively parental involvement in the planning, operation, and evaluation of the State's migrant education program.

(d) *Advisory council procedures.* The SEA is responsible for ensuring that appropriate procedures are devised and made available to the State's migrant parents for establishment of and consultation with State and local parent

NONREGULATORY GUIDANCE PARTS 6 AND 8

Nonregulatory Guidance (NRG) is prepared by the Assistant Secretary for Elementary and Secondary Education with input from state directors and other interested parties.

In keeping with the commitment by the Assistant Secretary to periodically update and expand guidance as necessary, Parts 6 and 8 of the March 26, 1986 NRG have been replaced by this update.

NRG represents the U.S. Department of Education's views on the way program requirements should be interpreted, and is **binding on the U.S. Department of Education.** It is nonregulatory; therefore, not binding on the states. Local school districts and service centers in Texas are bound by this NRG only in those areas that are required by the Texas Education Agency. During training, trainees will be advised of the specifics in the NRG which are binding based on Agency administrative policy.

PART 6

IDENTIFICATION AND RECRUITMENT

Statutory Requirements

Sections 1201 and 1202 of Chapter 1 of Title 1 of P.L. 100-297, superseding Section 554(a) of Chapter 1, ECIA, and Sections 141 and 142 of Title 1, ESEA.

Regulatory Requirements

Sections 201.3, 201.20, 201.21, and 201.30 of the Chapter 1, ECIA, regulations (to be superseded by regulations implementing P.L. 100-297).

Purpose

The purpose of Part 6 is to clarify the roles of identification and recruitment as two separate but interrelated activities and SEA responsibilities. In addition, Part 6 provides guidance to State directors, local project coordinators, and recruiters to assist them in the planning and implementing of effective identification and recruitment procedures.

Introduction

The State educational agency (SEA) is responsible for the identification and recruitment of all eligible migratory children in the State. **Identification** means determining the presence and location of migratory children. **Recruitment** means securing necessary information about each child, documenting the basis of the child's eligibility, and enrolling the eligible child in the Migrant Student Record Transfer System (MSRTS). Securing the information is usually, but not necessarily, done through an interview with the child's parent or guardian.

An SEA's migrant education program funding is based on its own count of the full-time-equivalent number of eligible migrant children residing within its boundaries, as well as on similar counts in each of the other States. Therefore, it is very important that the annual count of each State's migratory children be as accurate as possible.

Moreover, the SEA's careful identification and recruitment of the State's eligible migratory children is also pivotal to the SEA's proper implementation of other statutory duties it assumes as a condition to its receipt of program funding.

These duties include:

a. determining the areas where migrant families may reside;

b. determining areas of the State to be served;

c. overseeing the State's and LEA's annual needs assessments;

d. including those migratory children who will be served because of their relative educational need;

e. determining the types of services that are most responsive to the special educational needs of the State's migratory children; and

f. evaluating its programs and projects.

The SEA and its operating agencies are responsible for implementing procedures that ensure the correctness of the information used to determine that a child is migratory for purposes of the migrant education program. The SEA can meet this responsibility if it:

a. implements a formal process designed to ensure the reasonable accuracy of written eligibility information, and

b. adequately trains and guides recruiters in practical, uncomplicated ways to implement the migrant education program's eligibility process.

1. **Locating all migratory children and ensuring the correctness of written eligibility information.**

Identification is the process the SEA establishes for locating migratory children throughout the State. There are a number of methods the SEA can use to satisfy statutory and regulatory requirements for identifying all the migratory children in the State. The following recommendations may guide an SEA in meeting its mandate and in developing training programs for its recruiters:

[Steps]

1. Identify and map where the agricultural and/or fishing areas are located throughout the State.

2. Obtain and maintain current agricultural and fishing activity information and determine where within those areas there are high incidences of migratory labor activity and peak employment periods.

3. Locate and maintain a current listing of migrant housing (camps) in each area.

4. Determine what resources, personnel and financial, are necessary for on-site verification of the information gathered in steps one and three and begin the recruitment process.

5. Develop and implement procedures to utilize all available resources (e.g., State and local officials, recruiters, parent advisory councils, etc.) to identify and recruit effectively all eligible migratory children in the State.

6. Evaluate periodically the effectiveness of the State's identification efforts and revise the procedures as necessary.

Steps one and three, initially, can be accomplished through telephone contacts with school districts, State and field farm and fishing labor offices, growers, other agencies in the State serving migratory labor populations, etc. The canvas of the whole State need not be an annual activity. Spot-checks

in subsequent years for changes in the industry and related fluctuations of the demand for migratory workers would suffice, unless some unusual circumstance, such as a drought, would predict otherwise.

Recruitment consists of three elements:

a. the regulatory definitions governing migrant program eligibility,

b. the process recruiters use to translate those definitions into accurate and well recorded eligibility determinations that correspond to the factual circumstances of individual children and their parents or guardians, and

c. the process the SEA plans and implements to ensure the quality of recruiters' decisions.

The recruiter's job is to interpret and record the facts that are pertinent to determining whether a child is eligible in accordance with the basic definitions. The information should be specific enough to be understood by a knowledgeable independent reviewer. The reviewer should also be able to ascertain that the recruiter has followed the State's process of ensuring accurate decision-making.

The recruiter, therefore, has the important task of recording accurately and clearly, on a certificate of eligibility, the information establishing that a child considered to be migratory meets each element of the regulatory definition. The recruiter, not the parent or child, determines the child's eligibility on the basis of Federal definitions and policies that the SEA implements through formal procedures. These procedures comprise the statewide process by which the SEA ensures the reasonableness of the eligibility determinations. If an SEA establishes such a process, its success in meeting its programmatic responsibilities in identification and recruitment may be measured by examining the way it is implementing, monitoring, and improving that process rather than by attempting to examine the correctness of each eligibility determination that recruiters have made.

a. The "quality control" components of an SEA's system of recruitment

An SEA's recruitment process should include at least the following elements:

(1) establishment of a training program for recruiters on:

(a) eligibility definitions (see Part 8 of the NRG) and appropriate ways to determine a child's eligibility according to those definitions,

(b) the types of cases that need additional narrative or documentation beyond that normally required to demonstrate that the children are eligible,

(c) the use of studies, if available, of the State's agricultural and fishing industries as guides for recruiters in determining whether a worker's employment may be in a temporary or seasonal agricultural or fishing activity (see Part 8 of the NRG),

(d) the decision process to be used by recruiters, consistent with Federal definitions and adopted SEA procedures, in finding a particular child to be eligible.

(2) the designation of a supervisor to review each certificate of eligibility (COE) to insure that it warrants a finding of eligibility before data for the child are entered into the Migrant Student Record Transfer System.

(3) a formal process for resolving eligibility questions that recruiters and their supervisors raise, and then transmitting the answers in written form to all local operating agencies.

(4) a process for the review, at least annually, of completed COEs. This process should include:

(a) a method of selecting a statistically random sampling of COEs that is representative of the regions and the types of migratory activity in the State;

(b) a review by qualified SEA staff of the sample COEs for sufficiency of documentation;

(c) a process by which the SEA takes corrective action, as needed, to eliminate the causes of insufficient documentation, and for transmitting corrections to MSRTS when and where appropriate;

(d) a plan for qualified SEA staff, or staff responsible to the SEA, to monitor no less than annually the identification and recruitment practices and procedures used by recruiters. The plan should include (i) methods for reviewing with recruiters the factual accuracy of the information they put on COEs and (ii) the review of any questionable documentation that may have been attached to COEs for that sample. In addition, the plan should include provisions for re-interviewing, at least once every two years, parents and guardians of a sufficient random sampling of the State's migratory children, under procedures that the SEA deems necessary to assess the accuracy of information on the original COEs.

(5) the SEA's intervention in addressing any problems uncovered as a result of the foregoing review process.

(6) the SEA's documentation of how it has implemented each step of this process.

(7) the action taken by the SEA to improve the system based on the findings of periodic reviews and evaluations.

(8) a process for implementation of corrective action in response to internal audit findings and recommendations.

b. **The benefits the SEA will receive from its implementation of these procedures**

Implementation of these procedures will have four significant benefits. First, it will ensure that the SEA has fulfilled its responsibility to implement a system of quality control for making identification and recruitment determinations.

Second, it will support a system of identification and recruitment that, to the maximum extent possible, relies on the thoroughness, reasonableness, and consistency of the decision-making process local recruiters use when they make eligibility determinations.

Third, because the SEA will need documentation to support its implementation of these procedures, their use will minimize the need for anyone to reinterview individual parents or children. Finally, their use will enable the SEA to satisfy itself that its count of eligible migratory children is within the five percent error rate permitted by Section 1201(c) of the Chapter I statute [illegible]s important should the SEA be audited.

The SEA has met its programmatic responsibilities if it formally adopts these or similar procedures to ensure that the count of the SEA's migratory children, furnished annually to the Department by the MSRTS, and the information on which the SEA and its operating agencies rely are as accurate as possible.

2. **The need for recruiters, in specified situations, to detail more information about their reasons for finding children to be migratory**

The focus on the SEA's responsibility to implement a reasonable decision-making process, it is important to ensure that everyone involved understands each step of the process, particularly the recruiter's use of a COE to explain the reasons for determining a child to be eligible.

Because the SEA may accept a recruiter's determination so long as the recruiter's reasoning is clear and consistent with established State procedures, attention must be directed to the ways in which recruiters complete COEs. In most cases, the COE may be completed by providing the standard information that is called for on the form. In the case of a migrant family, moving long distances to perform seasonal agricultural work before returning home, the COE may speak for itself. However, in certain cases, this standard information may not establish the child's eligibility clearly to knowledgeable independent reviewers. In these cases, it may be necessary for the recruiter to supply additional information to demonstrate why he or she determined a particular child to be migratory.

In certain circumstances, such as the following, the recruiter would need to use the comment section of the COE to clarify the reasons for his or her determination so that anyone who later reviews the form would understand why the recruiter found the child to be eligible:

a. where a "move" is of such brief duration or for such a short distance, or both, as to be questioned as a migration;

b. where the worker did not obtain qualifying employment as a result of the move;

c. where the worker's "activity" specified on the COE could logically be part of a "series of activities" that, viewed together, would constitute permanent employment (e.g., mending fences and haying could be two parts of permanent ranching with one employer);

d. where the worker's specified "activity" might be viewed by an independent reviewer as either temporary or permanent employment (e.g., collection of eggs or milking cows);

e. where the recruiter has used the findings of an occupational or industrial survey to validate the determination;

f. where the agricultural or fishing activity is of a nature that a reviewer not familiar with the situation would not understand it to be qualifying; and

g. where eligibility hinges on the agricultural or fishing activity being the worker's "principal means of personal subsistence**" (see Part 8).

** "personal subsistence" includes both the worker's and family's **direct personal consumption** and incidental sale of the agricultural or fishing products.

Producing or processing a product for initial commercial sale may occur at the same site or at multiple sites. In isolated instances, the refinement process of a product may occur at the site where the product is produced.

"Processing" ends at the point where the crop, dairy product, poultry, or livestock ceases to be recognized as the entity that began to be processed and becomes part of a more refined product—potato soup, apple pie, macaroni and cheese, chicken pot pie, beef stew, etc —or when the product—fresh packaged chicken, bagged grapefruit, boxed broccoli—is readied for sale to the wholesaler or consumer.

Depending upon the circumstances, "initial commercial sale" can occur at the conclusion of the processing activity(ies), when the product or processed product is sold: (1) for refining to the next stage processor, (2) to the wholesaler, (3) to the retailer, or (4) directly to the consumer.

When any of these situation arise, the recruiter's reasoning need not be expressed at length. Because the emphasis in a system of quality recruitment is now on the reasonable adherance to each step of the process for determining eligibility, the additional information simply must clarify, for one who reviews the COE, the circumstances that led the recruiter to believe that the child is eligible.

The recruiter's statement may be prepared in any way that the SEA specifies, but, if not written on the COE itself, should be provided on a separate paper that will become a part of the COE.

PART 8

CHAPTER 1 MIGRANT EDUCATION PROGRAM ELIGIBILITY CRITERIA

Statutory Requirements

Sections 1201 and 1202 of Chapter 1 of Title 1 of P.L. 100-297 [the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (H.R. 5) (Chapter 1)], supersedes Section 554(a) of Chapter 1, ECIA and Sections 141(a) and 142(a)(5) of Title 1, ESEA.

Regulatory Requirements

Sections 201.3 and 201.30 of the Chapter 1, ECIA regulations (to be superseded by regulations implementing P.L. 100-297).

Introduction

The terms "currently migratory child" and "formerly migratory child" are defined by the regulations (34 CFR 201.3). The children who are determined to be eligible in accordance with that section and §201.30 may be counted for the purpose of State allocations and served with Chapter 1 migrant education program funds, if they are at least three (3) and not more than 21 years of age. However, children who have graduated from high school are not eligible.

Basic Definition

The guidance in this Part is directed to the identifying and recruiting of **currently migratory children** in accordance with the definitions in §201.3 of the Chapter 1 regulations. However, a child who once has been determined to be **currently migratory** may, with the consent of his or her parents or guardian, be counted and served as a **formerly migratory** child for up to five years after that child has ceased to migrate. Consequently, any determination of a child's eligibility must be based on documentary evidence that the child has met the definition of a currently migratory child, in §201.3, at least once during the past six years. A currently migratory child is one who—"moved within the past 12 months from one school district to another . . . to enable the child, the child's parent, guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity." (See §201.3 for the special exception for children of fishermen who reside in very large school districts.)

The child of a parent or guardian who is a migratory worker is eligible for the migrant education program if:

(1) that child moved with or to join a parent or guardian who moved to obtain qualifying employment;

(2) that child moved with or to join a parent, guardian, or member of the child's immediate family to enable the child to obtain qualifying employment; or

(3) the child moved to obtain such employment annually after having previously qualified as migratory.

Discussion

These elements, each of which must be considered in relation to the others, have the following meanings:

I. **The Move from One School District to Another**

Any move from one school district to another involves more than just travel. It means a change of residence from one location, which may either be the migratory worker's permanent home or a temporary place of residence established while the worker is looking for employment, to a location in another school district. In attempting to determine a fisher's eligibility, it may be necessary to consider the fisher's boat as serving a dual purpose—one as a residence, and the other as a means of conveyance. Therefore, for a fisher to be considered as having made a move, the worker must have moved his boat (residence) from one location to another. For purposes of this program, the move by itself does not mean the worker is migratory. Whether the worker (or child) who has moved may be considered "migratory" depends on the findings with respect to elements II, III, and IV.

II. **The Reason for the Move** ("To enable the child, parent, guardian, or a member of the immediate family to obtain. . . .")

A worker or a child may be considered migratory if he or she moved to enable the child, parent, guardian, or member of the immediate family to obtain qualifying employment. The requirement concerning the reason for the move is considered to have been met if:

a. the worker, as a result of the move, is seeking or engaged in qualifying employment (see Parts III and IV);

the worker or a child of the worker moved seeking to obtain qualifying work, which he or she believed might be available, but, upon arrival, found that it was not available, and, consequently, became unemployed or engaged in non-qualifying work; and

b. the worker plainly did not move to the district for the purpose of relocating there on a permanent basis.

III. **Temporary or Seasonal Employment**

a. **Seasonal employment,** whether agricultural or fishing, can easily be determined since it is an activity dependent upon cycles. For example, in agriculture, planting, cultivating, pruning, harvesting, and related food processing, etc., are seasonal activities. In commercial fishing, planting and harvesting of clams and oysters, fishing during seasonal runs of fish, etc., are seasonal activities. The production of meat and poultry may also involve seasonal activities; for example, turkey production increases significantly prior to Thanksgiving.

b. **Temporary employment** is employment related to agricultural or fishing activities that is not permanent and that usually last no longer than 12 months. Determinating that an activity is temporary becomes more difficult the further removed the activity being performed is from the qualifying "peak seasonal" employment period associated with natural growth cycles. This is because work that is not associated with natural growth cycles often **conceptually** can be either temporary or permanent. Hence to define temporary employment simply as work that is not permanent would be uninformative. Temporary employment does not always have beginning and ending dates at particular times of the year. Mending

fences, digging irrigation ditches, plucking chickens, and other activities not dependent upon a natural cycle of events may occur at any time, and be for any length of time during a year. Therefore, these jobs may either be permanent or temporary.

In a wide variety of situations, employment can readily be determined to be temporary or seasonal. Sometimes, however, while employment may be available to a worker on a year-round basis, the employment may still be temporary in the sense that, perhaps because of working conditions or intermittent periods of slack demand, the worker does not intend to remain at the job permanently, or otherwise is not likely to do so.

The SEA may use one or more of the following conditions to determine that an agricultural or fishing activity qualifies as temporary employment.

(1) The activity itself has a clearly defined beginning and end (e.g., digging ditches, making packing boxes, building fences) and is not one of a series of activities for the same employer that is typical of continuous employment.

(2) The employer establishes a time frame for completion of the worker's tasks.

(3) An "industrial survey" establishes that, despite the apparent permanency of the work, the nature and history of the tasks are such that these jobs may be considered to be temporary. The "industrial survey" must be based on work-sites with employment practices that are comparable to the one at which the worker is employed, and must demonstrate a significant probability (above 60%) that the worker will leave the place of employment within 18 months. The survey should include a review of past employment records for evidence of a high degree of turnover, frequent layoffs without pay, a high incidence of part-time employment, or few or no opportunities for full-time employment. The survey must be updated by the SEA at least once every two years.

The SEA may wish to survey an agricultural or fishing industry within the State to establish a basis for determination that employment at specific sites is "temporary." Specific businesses, at varying locations in the State, in the same agricultural or fishing activity, may have differing employment practices. Therefore, individual surveys may sometimes be necessary. The survey record should include: "the industry," the names of companies surveyed, data relating to the duration of employment, by type of job that was reviewed, the types of jobs or tasks that are considered temporary, and the rationale for the determinations that the jobs are temporary.

(4) The agricultural or fishing work might be permanent, but the recruiter can detail specific reasons for believing that the worker does not intend to perform the tasks indefinitely.

To focus on the employment situation of the worker being interviewed, the recruiter should first determine on the basis of interviews whether or not the work is likely to be available on a year-round basis (items 1 and 2 above). Other information should be considered in any case involving a determination that a particular type of potentially year-round employment is temporary and should be carefully documented so that the reasons for the determination can be readily understood.

IV. Agricultural or Fishing Activity

"An agricultural or fishing activity" means an activity or series of activities that meets one of the following regulatory definitions:

a. **An agricultural activity is:**

(1) "any activity directly related to the production or processing of crops, dairy products,

poultry, or livestock for initial commercial sale or as a principal means of personal subsistence."

The "production" of crops, dairy products, or animals includes, among other things, planting, cultivation, or harvesting crop* or preparing land for such activities, raising or milking dairy farm animals, gathering of eggs, and the raising of livestock for eventual slaughter (but not for sport or recreational use). Planting, cultivation, and harvesting fruits and vegetables (e.g., apples, oranges, grapes, tomatoes, potatoes, celery, etc.) are the major activities which employ migratory workers.

"Processing" includes activities, such as transporting to the processor, storing, refining, canning, and freezing. It also includes the processing of any part of a crop, dairy product, or animal (e.g., cotton seed pressing that is performed after cotton ginning or processing of animal organs). "Initial commercial sale" occurs after the last processing stage of the product. Persons who own their own trucks, and who use them to perform work "directly related" to production or processing, are engaged in an "agricultural activity" for purposes of the Chapter 1 regulations.

"Initial commercial sale" occurs after the last processing stage of the product. Persons who own their own trucks, and who use them to perform work "directly related" to production or processing, are engaged in an "agricultural activity" for purposes of the Chapter 1 regulations.

Crops

The following are examples of activities that involve the "production" of crops:

- Planting—oranges, apples, trees, catfish, oysters
- Cultivating—cotton, beans, onions, oysters
- Pruning—grapes, trees, hops
- Thinning—sugar beets, tomatoes, cotton
- Weeding—lettuce, tomatoes, celery
- Fertilizing—peanuts, apples, orange trees, cotton, lettuce
- Irrigating—cotton, carrots, tomatoes
- Harvesting—picking of all products, both agricultural and fishing

b. **"any activity directly related to the cultivation or harvesting of trees"**

"Cultivation or harvesting" includes soil preparation, planting, tending, pruning, and felling. Christmas tree cutting and bundling, and planting of tree seedlings for restoration of forests. Normally, once the trees are ready to be transported from a harvesting site to a processor (sawmill), there is no longer a sufficiently direct involvement in cultivation or harvesting of trees. Therefore, the transporting of trees would not qualify as an agricultural activity (as per the program regulations). Moreover, the processing of trees (at the sawmill) can not be considered as an "agricultural activity" within the meaning of the Chapter 1 regulations. (See Senate Report No. 95-561, 95th Congress, 2nd Sess. at 34). Consequently, any activity directly related to the processing of trees would similarly not be an agricultural activity.

One exception to this rule concerns persons who transport the trees to the processor and who are employed by the same person or firm engaged in the cultivation or harvesting

*In addition to foods and fiber, the term crops includes nursery plants, Christmas trees, flowers, turf, fibers, and similarly grown items.

activities. This exception is a matter of convenience, since in these situations, it may be very difficult to differentiate among employees performing different kinds of work; or

c. **"any activity directly related to fish farms"**

A "fish farm" is a tract of water reserved for the artificial cultivation of fish or shellfish, such as catfish, eels, oysters, or clams. The fish are artificially cultivated, rather than caught in open running water as they would be in a "fishing activity."

Fishing activity means:

"any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence."

FORMS, QUESTIONNAIRES, AND CHARTS

Summary of Eligibility Verifications

DISTRICT _____ SCHOOL YEAR 19_____-_____

REGION_____EDUCATION SERVICE CENTER

DISTRICT STATUS (check one): ☐ Project ☐ Cooperative Member ☐ Nonproject

1. A total of _____ formerly migrant children had previously been verified and were not included in this sample.
   A total of _____ migrant children comprised the number who were eligible to be verified.
2. A total of _____ migrant children constituted the final verification sample.
3. Of the _____ COEs reviewed, _____ COEs reflected data that was questionable, resulting in a validation interview with the parent/ guardian.*
4. The verification process was completed on _____/_____/_____ (mo/day/yr)
5. Copies of the most recently obtained COE(s) or a list of the children in the verification sample are attached (check one).
   ☐ Copies ☐ List
6. The following staff participated in the verification process:

SERVICE CENTER STAFF	DISTRICT STAFF
_____	_____
_____	_____
_____	_____

*Complete Summary of Eligibility Validations.

Eligibility Validation Procedures

Project Districts

1. In conjunction with the service center, the district will determine a schedule for conducting visits with the parent/guardian of children whose COE contains questionable data (as determined through the eligibility verification process).

2. Appointments shall be scheduled by the district with the migrant parent/ guardian to be visited.

3. District and service center staff shall conduct the validation interview. It may be conducted at the home of the parent/guardian or at a location that is mutually agreeable (e.g., the child's school). The district shall safeguard the privacy of the interview and avoid the congregating of groups.

4. During the interview with the parent/guardian, the "Parent/Guardian Questionnaire" shall be completed. When possible, the person who signed the most recent COE should be interviewed. If not, someone knowledgeable about the information must be interviewed.

5. If it appears, as a result of the interview, that the information recorded on the COE is incorrect, a new COE must be completed to verify the eligibility of the child.

6. After all validation interviews are completed, the following documentation shall be on file at the district for the previous and the current school years:

   a. A completed "Summary of Eligibility Validations;"

   b. Copies of the completed "Parent/Guardian Questionnaire;"

   c. Copies of the COEs validated; and

   d. Copies of any school district correspondence to the service center requesting the MSRTS deletion of any child(ren) who, through the validation process, was determined to have been misidentified.

Cooperative Member Districts

The same validation procedures stated above for project districts apply to cooperative member districts, except that the service center staff assume the responsibility stated for the district.

Summary of Eligibility Validations

DISTRICT _____ SCHOOL YEAR 19____-____

REGION_____EDUCATION SERVICE CENTER

DISTRICT STATUS (check one): ☐ Project ☐ Cooperative Member ☐ Nonproject

1. There were_____migrant children identified to date in the district.

2. A total of_____migrant children were validated.

3. A total number of _____ migrant children who were validated were subsequently determined to be ineligible due to misidentification.

4. The validation process was completed by _____/_____/_____.
(mo/day/yr)

5. For all children determined to be ineligible, as a result of the validation, the service center has been notified in writing that these children should be removed from the MSRTS data bank.

   ☐ Yes ☐ No

6. Copies of the most recently obtained COEs for the children in the validation sample are attached.

   ☐ Yes ☐ No

7. Copies of the completed "Parent/Guardian Questionnaire" are attached.

   ☐ Yes ☐ No

8. The following staff participated in the validation process:

SERVICE CENTER STAFF	DISTRICT STAFF
_____	_____
_____	_____
_____	_____

Parent/Guardian Questionnaire

19_____/_____

1. District _____

2. Names of other children in family with same QAD information:

   _____

   _____

   _____

3. Date _____/_____/_____ 4. Migrant child's name _____

5. Parent/Guardian interviewed: ☐ Parent ☐ Guardian

6. Interviewer(s)

   _____ _____

   _____ _____

7. Please review the information on the COE form. (Note: Go over COE eligibility items.) Did you give this information? ☐ Yes ☐ No

8. Did you sign this form? ☐ Yes ☐ No

   If No, please explain: _____

   _____

   I have understood the questions asked during this interview, and the answers I have given are correctly recorded on this form.

9. _____ _____/_____/_____
   (Parent/Guardian Signature) Date

10. _____ _____/_____/_____
    (Interviewer Signature) Date

11. _____ _____/_____/_____
    (Interviewer Signature) Date

12. Determination of migrant eligibility criteria:

    ☐ Parent/Guardian confirmed and/or supplied additional data and child is eligible.
    ☐ Parent/Guardian confirmed data, but supplied additional data which makes child ineligible.
    ☐ Parent/Guardian denied data, child is ineligible. Explain _____

    _____

    ☐ Other (specify)

    _____

Parent/Guardian Questionnaire Instructions

All personnel involved in recruitment and validation must be knowledgeable about the criteria for determining migrant eligibility.

1. Enter the name of the district.

2. Enter the last and first names of other children with the same QAD data.

3. Enter the date of the validation visit, by month, day, and year.

4. Enter the name of the migrant student being validated.

5. Enter the name of the parent/guardian interviewed and check the appropriate box to indicate whether the interviewee is the child's parent or guardian.

6. Enter name(s) of the interviewer(s).

7. Review, item by item, the information in Section II (Eligibility Data) of the COE. Moves of short duration and distance should be examined carefully. It will be useful to inquire if the worker presently has a full-time job and whether this activity is a second job. Such cases will generally not qualify. Verify whether all information in this section was given by the parent/guardian. If the information in this section was given by the parent/guardian, check "Yes" in the space provided. If not, check "No" in the space provided and complete a new COE to reflect the new information stated by the parent/guardian.

8. If the parent/guardian confirms signing the COE, check "Yes." If not, check "No" and indicate in the space below who signed the form.

9. Explain to the parent/guardian that his/her signature is needed to verify the information recorded. Review the information recorded and obtain the parent/guardian signature. The interviewer or the parent/guardian may date the parent/guardian signature.

10. & 11. Interviewer(s) signs and dates.

12. The school district and service center personnel should privately discuss the results of the interview and conclude whether the child is eligible as a migrant. The box which describes the conclusion should be checked. If "other" is checked, the reasons which led to a determination of ineligibility should be described.

School District MSRTS Daily Log
Minimal Requirements

School District: _____

Campus: _____

Date Fall Semester Ends : ____/____/____
Date Spring Semester Begins: ____/____/____
Date Spring Semester Ends : ____/____/____

19 ____ - ____

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)			(16)			(17)	(18)					
Student Name and Student ID (optional)	Grade Level	Mig. Status	Residency Date	School Enrollment Date	Date COE Signed	Date COE Sent To ESC	Date MSRTS Records Received	Date MSRTS Records Distributed	School Withdrawal Date	Date Withdrawal Data Sent to ESC	Date TAAS Sent to ESC	Date Lang. Sent to ESC	Date Sup. Prog Sent to ESC	Terminations			Date Health Data Sent to ESC			Date Spec. Education Data Sent to ESC	Date Secondary Credit Data Sent to ESC					
														Code	Termination Date	Date Sent To ESC	Immunizations	Screens & Labs	Health Prob.		Previous Courses	Fall Semester Courses	Spring Semester Courses	Recom. Courses	Spring Semester Grades	Credits Consolidated

School District MSRTS Daily Log

Instructions

The "School District MSRTS Daily Log" is designed to be used to document MSRTS activities that have been completed for every migrant child identified in the school district during the current school year. This log should be completed daily so that it will be an accurate reflection of MSRTS activities that have taken place to date (see Section VIII of the "Guidelines" manual). Not all items on the log will be completed for every child identified as some children will be enrolled in school and others will not; some students will require the reporting of educational and health updates and others will not, etc. The following guidelines should be followed in determining which items should be completed on the log for each child:

- **Currently Migratory:**
  - Enrollees (PreK-12th grades)—Complete columns #1-11 and, if applicable, #12-18.
  - Non-Enrollees (birth-21 years)—Complete columns #1-4, #6-9, and, if applicable, #15.
- **Formerly Migratory:**
  - Previously Identified:
    - Enrollees (PreK-12th grades)—Complete columns #1-5 and, if applicable, #8-18.
    - Non-Enrollees (birth-21 years)—Complete columns #1-4 and, if applicable, #8, #9, and #15.
  - Newly Identified:
    - Enrollees (PreK-12th grades)—Complete columns #1-9 and, if applicable, #10-18.
    - Non-Enrollees (birth-21 years)—Complete columns #1-4, #6-9, and, if applicable, #15.

Heading—Enter the name of the school district and the campus. Enter the date the fall semester ends and the dates the spring semester begins and ends.

1. **Student Name & Student ID**—Enter the last and first names of the child and his/her MSRTS Student ID if needed in order to distinguish between duplicate names.

2. **Grade Level**—Enter the grade level of the student. If a child is enrolled in a preschool/Early Childhood program, enter P4 if the child is four years old, or P3 if the child is three years old. If the student is in kindergarten, enter K. If the student is in grades 1-12, enter the appropriate number for the grade level. If the child is not enrolled in any preschool/Early Childhood program, or in grades K-12, the child is considered to be a non-enrollee and no grade level should be entered; instead, enter N/E (non-enrollee).

3. **Migrant Status**—Enter the migrant status code (i.e., 1, 2, 3, 4, 5, or 6) of the child.

4. **Residency Date**—Enter the month, day, and year of the child's arrival into the district.

5. **School Enrollment Date**—Enter the month and day on which the student officially enrolled in school.

6. **Date COE Signed**—Enter the month and day on which the Certificate of Eligibility (COE) was signed by the child's parent/guardian.

7. **Date COE Sent to Service Center**—Enter the month and day on which the COE was sent to the service center.

8. **Date MSRTS Records Received**—Enter the month and day on which the MSRTS Educational and Health Records were received in the school district from the MSRTS data bank in Little Rock, Arkansas.

9. **Date MSRTS Records Distributed**—Enter the month and day on which the MSRTS Educational and Health Records were delivered to the student's instructional and/or health providers.

10. **School Withdrawal Date**—Enter the month and day on which the student officially withdrew from school.

11. **Date Withdrawal Data Sent to Service Center**—Enter the month and day on which the MSRTS withdrawal data were sent to the service center.

12. **Date TAAS Sent to Service Center**—Enter the month and day on which the results of the Texas Educational Assessment of Academic Skills (TAAS) were sent to the service center.

13. **Date Language for Instruction Sent to Service Center**—Enter the month and day on which the language for instruction data was sent to the service center.

14. **Date Supplemental Programs Sent to Service Center**—Enter the month and day on which Supplemental Program data was sent to the service center.

15. **Terminations:**

    Code—Write the appropriate termination code, if applicable:

    G = graduated
    D = deceased
    O = dropped out of high school
    N = assumed non-migrant status as per parental request
    E = obtained GED

    Termination Date—Enter the month, day, and year of the termination.

    Date Sent to Service Center—Enter the month and day on which the termination data was sent to the service center.

16. **Date Health Data Sent to Service Center**—Enter, under the appropriate health category (i.e., Immunizations, Screens/Labs, and/or Health Problems), the month and day on which the health data were sent to the service center.

17. **Date Special Education Data Sent to Service Center**—Enter the month and day on which the special education contact data, if applicable, were sent to the service center.

18. **Date Secondary Credit Data Sent to Service Center**—Enter, under the appropriate secondary credit category, the month and day on which the secondary credit data were sent to the service center.

School District MSRTS Assessment Instrument

CAMPUS _____ REVIEWER _____

Required MSRTS Activity	Date Reviewed	Comments/Action Taken
LEA MSRTS INSERVICE		
RECRUITMENT:		
Residency Ver/Mass Enr		
New Qualifying Move		
Newly Identified		
RECORDS DISTRIBUTION		
UPDATING MSRTS RECORDS:		
TAAS		
Language for Instruction		
Supplemental Programs		
Special Education Contact Data		
Graduations, etc.		
Secondary Credit		
Health		
MSRTS WITHDRAWAL		
During School Year		
End of School Year		
ELIGIBILITY VERIFICATION		
MSRTS FILES		
MSRTS LOGS		
SUMMER SCHOOL		

TEXAS EDUCATION AGENCY
Division of Special Programs

Misidentified Student Notification Form

REGION_____ ESC

School Year 19 _____ - _____

DATE:_____/ _____/ _____

The student(s) listed below has/have been determined to be ineligible due to misidentification. The required terminal transactions have been performed to remove the unauthorized School History enrollment lines.

Terminal ID	Enrolling District	Name of Misidentified Student	MSRTS Student ID	Date of Birth	Misidentification Determined By:	
					Validation Process	Routine Finding

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Eligibility Conditions

Move	Seasonal	Temporary	Qualifying Activity
1. Did person cross school district lines? No, person ineligible. Yes, continue. ↓ 2. Was move for a short period of time? (3-5 days) No, go to seasonal. →	1. Can job obtained be considered seasonal? Yes, go to qualifying activity. No, go to temporary. →	1. Are conditions of the job temporary? Yes, go to qualifying activity. → No, ineligible.	1. Is the activity (job) an agricultural/fishing activity? Yes, eligible. No, go to question 2. ↓ 2. Is activity directly related to agriculture/fishing? Yes, eligible. No, go to question 3. ↓ 3a. If activity involved hauling in logging, was hauling done by independent contractor? Yes, ineligible. No, eligible. ↓ 3b. Does activity involve transportation of crops to first processing stop? Yes, eligible. No, ineligible or seek technical assistance. ↓ 4. Is activity at the first processing stop? Yes, eligible. No, ineligible or seek technical assistance.
Yes, go to question below. ↓ 3. Did person remain in a new location? (Did not commute) Yes, go to seasonal. → No, ineligible. ↓ 4. Was move made within last 12 months? Yes, go to seasonal. → No, go to question below. ↓ 5. Was move made within last 6 years? Yes, go to seasonal. → No, ineligible.			

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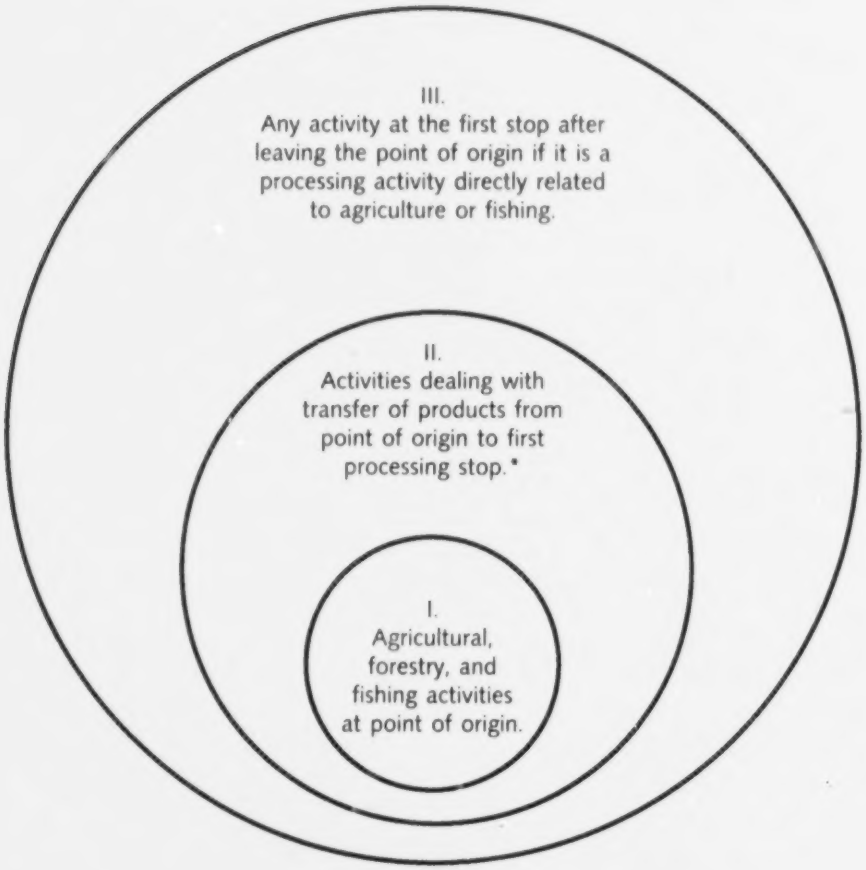
Migrant Qualifying Activities


III.
Any activity at the first stop after leaving the point of origin if it is a processing activity directly related to agriculture or fishing.
II.
Activities dealing with transfer of products from point of origin to first processing stop.*
I.
Agricultural, forestry, and fishing activities at point of origin.

A processing activity beyond the first

STOP may be eligible.
Request assistance and document.

*Forestry—See tree cultivation and harvesting in the "Definitions" under the section on "Eligibility."

AMBIGUOUS SPELLING OF NAMES

Region I Education Service Center has developed a list of names, each of which has more than one spelling and often results in the creation of duplicate records on the MSRTS. This can result in a delay of the transfer of records. To avoid this duplication, staff should always check for duplicate records when enrolling a child whose history indicates enrollment in only one school or only one state or when the child's last name is one of these:

Name	Alternate Spelling
ABELDANO	AVELDANO
ALANIZ	ALANIS
AGUIRRE	AQUIRRE
ALONZO	ALONSO
ALVARADO	ALBARADO
ALVAREZ	ALBAREZ
	ALVARES
AREVALO	AREBALO
AVILA	ABILA
ARVIZU	ARVISU
AMBRIZ	AMBRIS
ARREAGA	ARIAGA
ARMENDARIZ	ARMINDARIS
ARZOLA	ARSOLA
ANCISO	ANCIZO
	ANSIZO
BARBOZA	BARBOSA
BAZAN	BASAN
BAZALDUA	BASALDUA
BARRAZA	BERAZA
BENITEZ	BENITES
BARRON	BARON
CABALLERO	CAVALLERO
CARDOZA	CARDOSA
CARANZA	CARANSA
	CARRANZA
CARRIZALES	CARRISALEZ
CASAREZ	CAZARES
	CACERES
CEBALLOS	CEVALLOS
CEPEDA	ZEPEDA
CERVANTEZ	SERVANTES
CORTEZ	CORTES
COVARRUBIAS	COBARRUVIAS
CERRILLO	CIRELOS
DE LA CRUZ	DELA CRUZ
	DELACRUZ
DE LA FUENTE	DELA FUENTE
	DELAFUENTE
DE LA GARZA	DELA GARZA
	DELAGARZA
DE LA PENA	DELA PENA
	DELAPENA
DE LA TORRE	DELA TORRE
	DELATORRE
DELGADILLO	DELGA DILLO

Name	Alternate Spelling
DELGADO	DEL GADO
DE LEON	DELEON
DEL BOSQUE	DELBOSQUE
DIAZ	DIAS

Note: All compound names could have similar possible spellings. The computer considers the first six characters in a name when making matches.

ELIZONDO	ELISONDO
ESPINOZA	ESPINOSA
ESQUIBEL	ESQUIVEL
ESPARZA	ESPARSA
EURESTE	URESTI
EGUIA	EQUIA
ECHAVERRIA	ECHEBARRIA
ESPERIQUETA	ESPIRIQUETA
FIGUEROA	FIGEROA
FLORES	FLOREZ
MANDES	MANDEZ
MANZANO	MANSANO
MARES	MAREZ
MENDEZ	MENDES
MENDOZA	MENDOSA
MONTALVO	MONTALBO
MARROQUIN	MAROQUIN
MEZA	MESA
MONCIBAIZ	MONSIBAIS
	MONCIVAIZ
	MONCIBAIZ
	MONCEVAIS
MUNOZ	MUNOS
MUSQUIZ	MUSQUIS
NARVAIZ	NARVAIS
	NARVAEZ
NAVAREZ	NEVAREZ
	NEVARES
NUNEZ	NUNES
OLGUIN	OLQUIN
OLIVAREZ	OLIVARES
OLIVERA	OLIVIERA
	OLIBERA
OROZCO	OROSCO
ORTIZ	ORTIS
OZORNIO	OSORNIO
OZUNA	OSUNA

Name	Alternate Spelling
PACHECO	PACHERO
	PECHERO
PAREDES	PAREDEZ
PEDRAZA	PEDRASA
PERALEZ	PERALES
PECINA	PESINA
PEREZ	PERES
PIZANA	PIZANO
PENA	PINA
PICASSO	PICAZO
QUEZADA	QUESADA
QUIROZ	QUIROS
RAMIREZ	RAMIRES
RESENDEZ	REZENDEZ
RINCON	RINCONES
RIOJAS	ROJAS
RIVAS	RIBAS
RODRIGUEZ	RODRIGUES
ROMAN	RAMON
ROSALEZ	ROSALES
RUBALCADA	RUBALCABA
	RUBALCAVA
RUIZ	RUIS
	REESE
SAAVEDRA	SAVEDRA
	SABEDRA
SANDOVAL	SANDOBAL
SAUCEDA	SAUSEDA
	SAUCEDO
	SAUSEDO
SERRATO	ZERRATO
SOLIZ	SOLIS
SOSA	SOZA
TAMEZ	TAMES
TAVAREZ	TABAREZ
TELLES	TELLEZ
TORRES	TORREZ
TOVAR	TOBAR
TURRUBIATE	TURRIVIATE
UVALLE	OVALLE
VALDEZ	VALDES
VALADEZ	VALADES
VALDIVEZ	VALDIVIEZ
	BALDIBIEZ
VASQUEZ	VASGUEZ
	VAZQUEZ
VELASGUEZ	VELASQUEZ
	VELAZGUEZ
	VELAZQUE
VIDAURRI	VIDAURI
VILLALOBOS	VILLALOVOS
VILLARREAL	VILLAREAL

Note: Y and I are interchangeable in spelling Spanish names.

Name	Alternate Spelling
ZAMBRANO	SAMBRANO
ZARAGOZA	ZARAGOSA
	SARAGOZA

Note: Care should be given to the spelling of first names. Y and I, S, Z, and C, and B and V are some of these interchangeable first letters in first names. Nicknames should not be used.

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STATE NAMES, TERRITORIES, AND POSSESSIONS: CODES AND ABBREVIATIONS

Name	Abbreviation
USA	
Alabama	AL
Alaska	AK
Arizona	AZ
Arkansas	AR
California	CA
Canal Zone	CZ
Colorado	CO
Connecticut	CT
Delaware	DE
District of Columbia	DC
Florida	FL
Georgia	GA
Guam	GU
Hawaii	HI
Idaho	ID
Illinois	IL
Indiana	IN
Iowa	IA
Kansas	KS
Kentucky	KY
Louisiana	LA
Maine	ME
Maryland	MD
Massachusetts	MA
Michigan	MI
Minnesota	MN
Mississippi	MS
Missouri	MO
Montana	MT
Nebraska	NE
Nevada	NV
New Hampshire	NH
New Jersey	NJ
New Mexico	NM
New York	NY
North Carolina	NC
North Dakota	ND
Ohio	OH
Oklahoma	OK
Oregon	OR
Pennsylvania	PA
Puerto Rico	PR
Rhode Island	RI
South Carolina	SC
South Dakota	SD
Tennessee	TN
Texas	TX
Utah	UT
Vermont	VT
Virginia	VA
Virgin Islands	VI
Washington	WA
West Virginia	WV
Wisconsin	WI
Wyoming	WY
CANADA	
Alberta	AB
British Columbia	BC
Manitoba	MB
New Brunswick	NB
Newfoundland	NF
Northwest Territories	NT
Nova Scotia	NS
Ontario	ON
Prince Edward Island	PE
Province of Quebec	PQ
Saskatchewan	SK
Yukon Territory	YT
MEXICO	
Aguascalientes	AG
Baja California Norte	BN
Baja California Sur	BS
Campeche	CM
Coahuila	CU
Colima	CL
Chiapas	CS
Chihuahua	CH
Distrito Federal	DF
Durango	DG
Guanajuato	GT
Guerrero	GR
Hidalgo	HG
Jalisco	JA
Mexico (state)	MX
Michoacan	MC
Morelos	MR
Nayarit	NA
Nuevo Leon	NL
Oaxaca	OA
Puebla	PU
Queretaro	QE
Quintana Roo	QI
San Luis Potosi	SL
Sinaloa	SI
Sonora	SO
Tabasco	TB
Tamaulipas	TM
Tlaxcala	TL
Vera Cruz	VE
Yucatan	YU
Zacatecas	ZA

ANSWERS TO CASE STUDIES

CASE #1

The father and his three children are eligible to be counted as migratory because they meet the following criteria:

(a) the children accompanied the parent on this move;

(b) the father moved across school district boundaries in order to enable him to obtain migratory work;

(c) beekeeping is an agricultural activity; and

(d) beekeeping is a seasonal/temporary activity.

Additionally, owning equipment and having other jobs do not exclude this family from qualifying as eligible migratory workers.

CASE #2

The high school age child in this family is eligible to be counted as formerly migratory because of the following criteria:

(a) there was a move across school district boundaries on June 2, 1986;

(b) since neither the father nor the mother worked in a qualifying activity during the summer of 1989, they cannot be considered migratory agricultural workers; and

(c) in order for the child to be considered currently migratory:
- the child must have moved within 12 months of the QAD, June 2, 1986; or
- his parents or guardians must be migratory agricultural (or fisher) workers. A migratory agricultural (or fisher) worker is defined as one who moved within the last 12 months from one school district to another to enable him or her to obtain temporary or seasonal employment in an agricultural or fishing activity.

CASE #3

Provided that all other qualifying conditions are present, the student meets the following criteria:

(a) there was a move across school district line boundaries;

(b) the work activity was directly related to the production or processing of an agricultural product; and

(c) the job was temporary.

CASE #4

Based on the previous information, the child meets the following eligibility criteria:

(a) the child moved across school district lines in order to enable the worker to seek and/or obtain temporary or seasonal employment in a qualifying activity;

(b) the relative may be considered a guardian if:
- the relative has been appointed to be the legal guardian of a child through formal proceedings in accordance with state law; or
- the state education agency determines who would be appointed to be the legal guardian of a child under the law of the child's domiciliary state if formal guardianship proceedings were undertaken; or
- the relative is standing in the place of a parent to a child.

(c) the QAD is July 1, 1989.

CASE #5

Based upon the previous information and because of the following criteria, the person does not qualify as a migratory worker:

(a) although dairy work is considered a qualifying agriculturally related activity, and there was a move across school district lines, all other criteria are not present; and

(b) the job in which the worker was engaged was not temporary or seasonal, but permanent employment.

CASE #6

Provided that all other qualifying conditions are present, the student may continue to be considered migratory as a **former** migrant.

(a) the son did not travel with the father on the latest migratory move;

(b) the QAD is April 1, 1989; and

(c) the student's former migratory status is based on the last qualifying arrival date recorded on the COE when he arrived in the district.

CASE #7

Provided that **all** other qualifying conditions are present, the workers meet the following eligibility criteria:

(a) the work activity is directly related to the production or processing of an agricultural product;

(b) the job is temporary; and

(c) all other qualifying conditions include:

- there was a move across school district boundaries;
- the child/children accompanied the parent/guardian in the initial move for currently migratory status;
- the move enabled the parent/guardian to engage in a qualifying agricultural/fishing activity; and
- the qualifying activity was seasonal/temporary.

CASE #8

Provided that **all** other qualifying conditions are present and based upon the previous information, the person does qualify as a migratory worker. The mode of payment does not affect his migratory eligibility status.

ANSWERS TO IDENTIFICATION AND RECRUITMENT COMPETENCIES

1 - F—Page 6 in manual
2 - T—Page 7 in manual
3 - F—Chart (Migrant Qualifying Activities) under Forms, Questionnaires, and Charts in Appendix in manual
4 - T—Definition in the Federal Register
5 - T—Page 4 in manual
6 - F—Page 6 in manual; in the Federal Register
7 - T—Definitions in the Federal Register
8 - T—Page 4 in manual; in the Federal Register
9 - F—Page 7 in manual
10 - T—Page 9 in manual
11 - F—Page 4 in manual
12 - F—Page 6 in manual
13 - T—Page 6 in manual; chart (Migrant Qualifying Activities) under Forms, Questionnaires, and Charts in Appendix in manual
14 - F—Page 4 in manual
15 - T—Page 6 in manual
16 - T—Page 8 in manual; in the Federal Register
17 - T—Page 6 in manual
18 - T—Page 6 in manual
19 - F—Page 6 in manual; Nonregulatory Guidance
20 - T—Page 7 in manual
21 - T—Pages 41 and 46 in manual
22 - T—Pages 8 and 45 in manual
23 - T—Page 45 in manual
24 - F—Page 45 in manual
25 - T—Page 6 in manual
26 - T—Pages 8-9 and 39 in manual
27 - T—Pages 3 and 41-46 in manual
28 - F—Pages 5, 6, and 42 in manual; definitions in the Federal Register
29 - T—Pages 3 and 41-46 in manual
30 - T—Page 4 in manual
31 - T—Page 4 in manual
32 - F—Page 4 in manual
33 - F—Page 5 in manual
34 - T—Pages 8, 39, 40, and 56 in manual
35 - F—Page 5 in manual
36 - T—Page 5 in manual
37 - T—Page 5 in manual
38 - T—Page 6 in manual
39 - T—Page 5 in manual; definitions in the Federal Register
40 - T—Pages 41-46 in manual
41 - F—Page 5 in manual
42 - T—Pages 4 and 5 in manual
43 - T—Page 6 in manual; Nonregulatory Guidance
44 - F—Page 19 in manual
45 - T—Page 18 in manual
46 - F—Page 33 in manual
47 - T—Page 62 in manual
48 - T—Page 8 in manual
49 - F—Pages 9 and 48 in manual
50 - F—Infer from the requirement for training for all staff and the section on "Quality Control"

GLOSSARY

Agency	Texas Education Agency
Assistant Secretary	Assistant Secretary for Elementary and Secondary Education
Audit Exception	Violation of a statute or regulation
COE	Certificate of Eligibility
CFR	Code of Federal Regulations
Currently	"Currently migratory child" as defined in 201.3, Appendix
Data entry specialist	Specialist who enters information into MSRTS data bank at the service center terminal site
District	Local school district
ESC	Education service center
FERPA	"Family Educational Rights and Privacy Act"
Formerly	"Formerly migratory child" as defined in 201.3, Appendix
FTE	Full-time equivalency
GED	Graduate Equivalency Diploma
"Guidelines" manual	"Implementation Guidelines for School District Required Migrant Student Record Transfer System (MSRTS) Component Activities" manual
ID	Identification
LEA	Local education agency
LEP	Limited English proficiency
QAD	Qualifying arrival date
Memorandum	Memorandum of Understanding
MEP	Migrant Education Program
MERIT	"Migrant Education Recruitment and Identification Training"
Move	See "Interviewing the Migrant Family"
MSRTS	Migrant Student Record Transfer System
NRG	Nonregulatory Guidance
OIG	Office of Inspector General
PAC	Parent Advisory Committee
SEA	State education agency
Service center	Education service center
SMART	"Systematic Methodology for Accountability in Recruiter Training"
TAAS	Texas Assessment of Academic Skills
TEAMS	Texas Educational Assessment of Minimum Skills
State Board	State Board of Education
USDE	United States Department of Education
Verification	A quality control process
Validation	A quality control process

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COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a non-segregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964; EXECUTIVE ORDERS 11246 AND 11375; TITLE IX, 1973 EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; AND VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED IN 1974.

It is the policy of the Texas Education Agency to comply fully with the nondiscrimination provisions of all federal and state laws and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any programs or activities which it operates on the grounds of race, religion, color, national origin, sex, handicap, age, or veteran status (except where age, sex, or handicap constitute a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency makes positive efforts to employ and advance in employment all protected groups.

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